QUEEN CAROLINE

CONSORT OF

GEORGE THE FOURTH;

WITH

AN HISTORICAL INTRODUCTION,

AND

The Speeches

OF

HER MAJESTY'S COUNSEL, AT LENGTH,

VIZ.

MR. BROUGHAM,	MR. DENMAN,
Attorney-General to the Queen.	*Solicitor-General to the Que*

AND

DR. LUSHINGTO

LONDON:

PRINTED FOR JOHN BELL, 388, STRAND, CORNER OF SOUTHA
TON STREET; AND SOLD BY SHERWOOD, NEELY, AND JONES
PATERNOSTER-ROW; AND ALL BOOKSELLERS
IN TOWN AND COUNTRY.

1821.

The Speeches of the Counsel and the Historical Introduction may be had separate: viz.

The Historical Introduction, including the Charges	2s. 6d.
Mr. Brougham's Speech - - - -	2s. 6d.
Mr. Denman's Speech - - - - -	2s. 6d.
Dr. Lushington's Speech - - - -	1s. 6d.

SHACKELL AND ARROWSMITH, JOHNSON'S COURT, FLEET-STREET.

HISTORICAL NARRATIVE

OF THE

TRIAL OF HER MAJESTY,

&c. &c.

Her Majesty Queen Caroline having returned to England to claim her rights and privileges as Queen Consort, and having rejected all overtures to induce her to remain in a foreign country, the Earl of Liverpool, in pursuance of a resolution expressly made known to Her Majesty, instantly commenced against her a prosecution for adulterous intercourse, by submitting the evidence taken by the Milan Commission to the two Houses of Parliament, then sitting. The House of Commons expressing a strong reluctance to enter upon this enquiry, the Earl of Liverpool urged the investigation with more ardour in the House of Peers, and a Secret Committee, having, at length, reported that there were grounds requiring investigation, a Bill of Pains and Penalties was immediately introduced into that assembly. On the 16th day of August, 1820, the Bill (having previously passed through its first and formal stage of a first reading) was proposed by the Earl to be read a second time; upon which, after some debate, more of a political than judicial nature, and which continued during the greater portion of three days, it was decided that the Attorney-General should

be called to the bar, and that the enquiry, or more properly the trial, should proceed. Accordingly, on the morning of the 19th of August, the Counsel for the prosecution and defence being all assembled at the bar, the Attorney-General opened the accusation, and the evidence upon which it rested, in much length and minuteness.

He stated*, that in 1814 Her Majesty had withdrawn herself from England, for the purpose of travelling upon the Continent; and that having passed through Brunswick, and thence into Italy, she had arrived at Milan on the 9th of October in the same year, and was accompanied to this place by an English suite, composed of Lady C. Lindsay and Lady Elizabeth Forbes, as her maids of honour; and Mr. St Leger, Sir William Gell, and Mr. Keppel Craven, as her chamberlains, or gentlemen in waiting. That it was the intention of Her Majesty to proceed from thence to Naples, and other parts of Italy. That she remained at Milan for the space of three months, during which she received into her service, as a courier, a person of the name of Bergami. On quitting Milan, Her Majesty proceeded to Rome, and thence to Naples, where she arrived on the 8th of November, 1814. Upon her arrival at Naples, Bergami had been only three weeks in her service; but so much attached was Her Majesty to

* In the above narrative of the speech of the Learned Gentleman, it will be found that nothing whatever of the facts and statements is omitted,—nothing, in fine, but the mere words of waste; for example—"The right honorable gentleman will do me the justice to believe," &c. All such passages as these are omitted, but *every fact* is most carefully inserted. The public will thus be enabled to form a most clear and distinct judgment of this proceeding,—our plan being to disenvellope it of all superfluous words and matter-of-course observation, and to exhibit the *facts* and the *points* distinctly, by themselves.

this courier, and to such a progress had the criminal connexion been already carried, that it would appear in evidence that the boy Austin (the former sharer of her chamber) was removed from the bed-room of Her Majesty on the day following that of her arrival at Naples, and that on the same day the sleeping apartment of Bergami was so changed as to put Her Majesty and her courier into chambers immediately contiguous. The Learned Gentleman insisted upon this change of apartments, and this removal of Austin, as the first point of his proof, and asserted his conviction that the criminal intercourse began the same night of the 9th of November at Naples, and thence continued till Her Majesty's return to England. Upon the evening of this day, after she had ordered this change, Her Majesty went to the Opera at Naples, but returned very early from thence. The maid in waiting was forcibly impressed with the singularity of her behaviour upon her entrance with her into her bed-room. Her Majesty dismissed her with abruptness and agitation. This female knew that Bergami was in the adjoining bed-room, and her suspicions were awakened. On the following morning these suspicions were confirmed, in the mind of this servant, into certainty, by the observation that Her Majesty had not slept in her own room that night, whilst the bed of Bergami was decisively marked as if two persons had slept in it. Her Majesty, moreover, contrary to her usual custom, remained later in her apartment than usual—Bergami did the same. The natural effect of such an intercourse would naturally lessen the comparative distance between the courier and his Royal Mistress. It would be proved to have this effect. He became insolent, conceited, and intoxicated with sudden favour. This was the first fact, and the first point of accusation,—the second was connected with it in time and place. A few days afterwards,

the Court of Naples gave a masqued ball, at which Her Majesty was present. She wore three dresses in the course of the evening—her first was that of a Neapolitan peasant. In a short time, having occasion to change that dress and assume her second, she returned to the house at which she had dressed, not to her residence, and there withdrew with Bergami into an apartment for the purpose of undressing. It would appear that the dress for which she changed her peasant's habit was a masque of the Genius of History, and was grossly indecent, and that she was undressed, and invested in this indecent habit by Bergami. Her third dress was that of a Turkish peasant, and was in the same manner put on by her courier. In the course of the ball Bergami experienced some slight from some of the company: he retired in disgust, and was followed by the Queen. At whatever hour Her Majesty rose, Bergami was visible only at the same time:—he always breakfasted with Her Majesty: he walked with her, and supported her on his arm. This is the second fact. A third, likewise at Naples and about the same time, was, that Bergami having received a kick from a horse whilst in that city, and being in consequence confined to his chamber, was there visited in the dead of the night by Her Majesty. She was seen stealing along a private passage, and the sound of kissing was heard after Her Majesty entered the chamber. This was the second fact in proof. A third was the total abandonment of Her Majesty at this period by all her English attendants. A fourth fact occurred, likewise, whilst Her Majesty was at Naples. Her Majesty, Bergami, and a female attendant of the name of De Mont, entered a masquerade at the theatre of San Carlos, at Naples, and in such indecent dresses, that they were received with a general hiss. They went, moreover, not in any of Her Majesty's carriages, nor with any of her

usual suite, but in a common fiacre, which received them at the bottom of the garden, across which Her Majesty had to walk in the dead of the night.

As such were the four facts which had occurred at Naples, the same adulterous intimacy had continued upon Her Majesty's quitting that capital. From Naples Her Majesty embarked on board the Clorinde frigate for Genoa. On board the Clorinde, and at Genoa, were the same attentions, the same intimacy, and the same contiguity of bed-chambers, of Her Majesty and her courier; the same appearance, moreover, of Her Majesty's bed never having been slept in, the uniform evidence that Bergami's bed had been occupied by two persons. Bergami was a married man, and had a daughter of the name of Victorine, and had, moreover, numerous connexions and relatives—all these relatives and connexions, his mother, his child, every one but his wife, were taken into the household of Her Majesty, and all shared the favour of her favourite.

From Genoa Her Majesty proceeded to Milan, and thence to Venice. In both these cities, and in the journey between them, there would appear to be the same intimacy and familiarities. At Venice, she took a gold chain and put it round the neck of Bergami, who, receiving it in a toying manner, returned it again, and with many endearments, placed it round the neck of Her Majesty. In August, 1815, she visited Mount St. Gothard, and thence proceeded to Vannes, where she dined at an inn, and after dinner retired to a bed-room with Bergami, where she remained locked up for a considerable time. Thence Her Majesty passed to the Borromean Isles. Here again, at the inn where she rested, she declined the best and most suitable apartment, because it had no communication with the chamber of Bergami, and preferred an inferior room which afforded the means

of such contiguity. From the Borromean Isles, Her Majesty proceeded to Bellanzona, where Bergami first commenced dining at the table of his mistress; and at that period in his courier's dress. Thence they proceeded to Lugano, and thence to the Villa d'Este, on the Lake of Como. At the latter place, Bergami was raised to the dignity of her chamberlain; and it would be in evidence, that a series of the grossest and most abominable indecencies had there occurred. From Como she went to Genoa, and there embarked on board a British vessel for Palermo, where she arrived in November, 1815. On board the Leviathan Her Majesty had made the same disposition of apartments, namely, contiguous apartments for Bergami and herself. At Palermo there was the same intimacy and the same contiguity. From Palermo she proceeded to Messina, and thence to Syracuse. Her voyage to Messina was made on board the Clorinde frigate, Captain Pechel, commander, who, with a just feeling of the honor of his King and country, refused to sit at table with Bergami, hitherto the menial servant only of the Princess. Her Majesty submitted to this insult, but so far resented it, as to refuse dining herself with Captain Pechel, and to order a separate table for herself, Bergami, and the Countess of Oldi, Bergami's sister. At Syracuse, and afterwards at Catania, another town in Sicily, there was the same contiguity of bed-chambers, the same simultaneous appearance in the morning, of the Queen and Bergami, and the same observations of the servants as to their commerce and connexion. One morning, in particular, Her Majesty was seen coming, at a very early hour, from the chamber of Bergami; Her Majesty bearing under her arm a pillow on which she was in the habit of sleeping, and evidently returning with it from Bergami's room to her own. Her Majesty was, moreover, upon this occasion, totally undressed.

These several facts, namely, what had thus occurred from Genoa to Catania, made up what might be termed his fifth state of facts, or fifth main fact, which, if proved, could leave no doubt of the adultery.

From Catania, Her Majesty proceeded to Augusta, another town in Italy; and here she deemed it proper to shower all honours on the head of the courier, whom she dignified with her favours. He had been first made chamberlain of her household, from the condition of a simple courier. He was now, by her Majesty's procurement, made Knight of Malta, and Baron della Francina. At Catania and Augusta likewise, Her Majesty had two pictures of herself painted. One of these was presented to Bergami. In one of these pictures Her Majesty was drawn in the character of Mary Magdalen, with her person considerably exposed; and in the other she was drawn as a Turkish female, and in this picture the child Victorine was introduced, in a Turkish dress. A picture of Bergami was also taken for Her Majesty, in a Turkish habit, and this picture was presented by Her Majesty to Bergami. This may be considered as the sixth state of facts to be proved.

From Augusta Her Majesty embarked on board a polacre, first for Tunis, in Africa, and thence for Greece. Here the most scandalous intercourse openly existed. When first she went on board, Her Majesty's sleeping apartment, as well as that of the Countess of Oldi, her lady of honour, were separated by a passage from that which was used as the dining-room; the communication to Her Majesty's sleeping-room being through an outer apartment. For a few nights Bergami's sleeping apartment was at a distance from that of Her Majesty, but afterwards, the door leading from the outer room into Her Majesty's bed-room was closed, so as to leave but one mode of communication with that apartment. Previous to this arrangement there had been no bed in the dining-

room; but upon its taking place, a bed was brought into it for the accommodation of Bergami, and that bed was placed in such a situation, that when the door of Her Majesty's bed-room was opened, the persons who slept in them might see and converse with each other from the two apartments whilst in bed. No one could get to Her Majesty's bed-room without going through Bergami's. This took place in the course of her voyage to Tunis. When the dining-room door was shut, all communication with Her Majesty was cut off, except between Her Majesty and Bergami. It was observed, that when Bergami and Her Majesty retired to rest, the dining-room was always locked. When Her Majesty arrived at Tunis, the same arrangement was again resorted to for the purpose of accommodating Bergami close to Her Majesty's sleeping apartment. Indeed, wherever she went, whether by sea or land, the same contrivance took place. The contiguity of Her Majesty's bed-room with that of Bergami's, can leave no doubt in any man's mind of the criminal intercourse which took place between them. It is impossible to assign any other reason for this arrangement of their sleeping places, but for the purpose of facilitating the criminal terms on which they lived together. Her Majesty sailed in this polacre from Tunis to Utica. She slept there, and the arrangement of her apartments were not quite the same as before. In the house where she was accommodated there were but two sleeping rooms, in one of which Her Majesty and the child Victorine slept, and in the other the Countess Oldi and two female servants; the rest of the people sleeping in the house of the Consul resident there. In the morning early, after the night Her Majesty slept there, Bergami came to Her Majesty's bed-room long before Her Majesty had risen from bed. Here, as at other places, Bergami had free access to Her Majesty's bed-room without any restriction. He

entered into Her Majesty's bed-chamber without any ceremony, she being then in bed, and remained there for a considerable time. Her Majesty thus demeaned herself at Utica on April 8, 1816. On the 15th of that month, she arrived at Savona, near Tunis. At that place, a large bed was provided for Her Majesty, and the room adjoining to it was appropriated to Bergami, but there was no bed allotted to him. In the morning after Her Majesty slept in that bed, there was the visible and unquestionable appearance of two persons having passed the night there. This was the seventh main state of facts in proof. From Africa Her Majesty sailed to Athens, where she arrived on the 22d of April, 1816, having staid one day at Malta. After visiting some of the Grecian Islands, she proceeded from Athens to Constantinople, and thence to Ephesus. Whilst at Athens, the Captain of an English ship went to pay his respects to Her Majesty. He found her in an alcove, in company with Bergami, who was sitting by her side, and the Countess Oldi. Her Majesty rose, and received him very politely; but Bergami kept his seat, and treated Her Majesty with as much familiarity as if he were her equal. Shortly afterwards Bergami quitted the alcove abruptly, without the slightest mark of respect to Her Majesty; and, in short, treated her as if he were on the same level in point of rank.—Nothing but the criminal intercourse which had taken place between Her Majesty and him, could have justified such conduct. Another fact occurred while Her Majesty remained at Ephesus. Her Majesty ordered a bed to be prepared for her in the vestibule of a church which happened to be surrounded by trees. Her Majesty's dinner was provided by her direction at her residence; but having, during the heat of the day, retired to the bed in the vestibule to repose, Bergami was, after some time, observed to come from it— he, and he only, having been there with

Her Majesty. Her Majesty's dinner was brought to the vestibule, and she and Bergami dined there by themselves. Her Majesty was, on the same day, observed sitting on a travelling bed which she carried with her, Bergami being seated on the floor near her. After dinner, Bergami was for a considerable time alone, in the vestibule with Her Majesty. At other places, also, this conduct was pursued. At Ann, in Syria, Her Majesty had a tent fitted up, in which a bed was placed. Her Majesty was seen in that bed undressed, Bergami sitting in his shirt-sleeves, almost undressed, on the side of the bed. Some time after he (Bergami) was observed coming from the tent *en dishabille*, Her Majesty being still undressed and in bed. At Jerusalem, Her Majesty, not satisfied with having made Bergami a Knight of Malta, had him also made a Knight of St. Sepulchre, a Catholic order, which exists in that country. Her Majesty further created a new order, the Order of St. Caroline, of which, after having conferred it on some other servants, she made Bergami the Grand Master. These facts may be regarded as the eighth state of facts to be adduced in proof. Her Majesty embarked on board the polacre at Jaffa, on the voyage homeward. The weather was excessively hot, and Her Majesty found it inconvenient to sleep in the cabin. Her Majesty directed a tent to be put up upon the deck, that she might sleep there. In that tent not only was a sofa placed for the Princess, but close to it a bed for Bergami. In that tent slept Her Majesty and Bergami from that time until their arrival in Italy. The lower part of the tent was raised in the day to admit the air, but at night it was let down so as to seclude observation. During the time Her Majesty and Bergami remained in it, the tent was always so closed. This was continued until Her Majesty's arrival at Terracina, in Italy. In the open day, and before her servants, Her Majesty was here seen

sitting on Bergami's knee, embracing and toying with him. The following further facts are in proof: during Her Majesty's voyage from Jaffa, she had on several occasions baths prepared for her, and on those occasions she was attended, even while bathing, by Bergami, and by Bergami only. During this voyage the feast of St. Bartholomew (the 24th August) arrived, and Bergami's name being Bartholomew, this day of his patron Saint was kept by all on board, (in honour of Bergami) as the day of rejoicing and festivity. While this carousing went on, the healths of Her Majesty and the Chevalier Bergami were repeatedly drank—that of the latter, because the feast was in honour of his name. Her Majesty, at the same period, performed the most degrading offices for Bergami. Such, for instance, as mending his clothes, and other matters of a similar nature. In September, 1816, Her Majesty arrived in Italy, and took up her residence in the Palace d'Este, on the lake of Como. There the brother of Bergami was advanced to the situation of prefect of Her Majesty's palace. After this period, the brother, his sister, and a cousin, who had also been introduced into Her Majesty's service, dined at a separate table from the rest of Her Majesty's suite. During Her Majesty's absence from the palace d'Este, a theatre had been built by her direction. Here, on Her Majesty's return, she frequently performed on the stage with Bergami and some other of her servants—Bergami performing the part of a lover, and Her Majesty representing the person beloved. On other occasions, Her Majesty played the part of servants, and other low characters. After Her Majesty's return to d'Este, she went on a tour to Lucani, and other places. A circumstance of some note occurred while Her Majesty resided at d'Este. Her Majesty's courier was sent express with a letter to a person at Milan, to which an answer was to be returned to Bergami. The

courier *returned late at night, or rather early in the morning,* Her Majesty's household being then at rest. The courier, *thinking it his duty to deliver the answer immediately,* went to Bergami's bed-room for that purpose; *but, to his surprise,* Bergami was not there. In a short time, however, the courier saw Bergami coming out of Her Majesty's bed-room in his shirt and *robe-de-chambre.* He is seen by the courier, in his shirt, coming out of Her Majesty's chamber; and this courier, being but a short time in Her Majesty's service, he appeared somewhat astonished, and was about to make some observation, when Bergami told him it was an accidental circumstance, and begged he would say nothing about it. In a short time *after she had been at Villa d'Este, there was a palace* built for Bergami at Her Majesty's expense, fitted up in the first style of tasteful elegance, at a cost of some thousands. During the period of the Carnival, the most disgraceful scenes took place. *Balls were given during the* Carnival, not for the entertainment of the nobility of the place, who would have been proud of the honour of Her Majesty's countenance, but for persons of the very lowest description, *amongst whom scenes the most licentious* passed under Her Majesty's notice. About the 18th of February, 1817, Her Majesty made a tour into Germany, and a remarkable circumstance took place at the commencement of this tour. It happened that on her arrival at Clarente, on the way to Inspruck, M. Bergami was obliged to go forward to obtain passes for the journey. Bergami had not returned at a late hour of the night, and Her Majesty ordered *one of her female servants to sleep* in her chamber. Bergami returned, however, from Inspruck in the middle of the night. He went immediately into Her Majesty's chamber, and Her Majesty immediately ordered *her female attendant to get up and retire* from the room, which she accordingly did, leaving Ber-

gami alone with Her Majesty, where he remained for the night. Upon their subsequent arrival at Carlsrhue, on their arrival at the inn where Her Majesty was to sleep for the night, three rooms were provided, each opening into the other—Nos. 10, 11, and 12; and it was so contrived, that Bergami alone could find access from the rooms assigned for him to that of Her Majesty. Her Majesty was there seen in the day-time, on the bed of Bergami, who was there naked, with his arms round Her Majesty's neck. After this scene took place, a cloak, which belonged to Her Majesty, is found in Bergami's bed, by one of the servants, which cloak was afterwards worn by Her Majesty. After this, Her Majesty pursued her route to Tivoli, and in the course of her journey caused a separate carriage to be hired exclusively for herself and Bergami, the rest of her suite travelling in separate carriages. This separate carriage was purchased by Bergami, by Her Majesty's directions; and the same kind of arrangements were made at every inn where she stopped for the night, for securing a chamber for Bergami close to that of Her Majesty. In Her Majesty's bedroom was her small travelling bed, besides a large bed, capable of accommodating two persons, and here the same unequivocal proofs were observed that two persons had occupied the great bed, while the small one was unoccupied, and no person but Bergami had access to the chamber; and in the course of their journey, wherever they stopped on the road to change horses, it was observed, that even during that short interval, Her Majesty and Bergami always retired to the same room, and reposed themselves on the same bed. In some time after this period, they visited the Villa d'Este, and from thence they went to Rome. They first resided at the Rupinella palace, a house which formerly belonged to one of the Buonaparte family, but soon after took up their residence

at another house in Rome, called Villa Branchi. Here also, as at various other places, Bergami's apartment was near that of Her Majesty's, there being a communication by a corridore between them. Here he was observed, upon more occasions than one, going at an early hour in the morning, from his own room into that of the Princess, and there remaining for a considerable time. This was in July, 1817. From Villa Branchi they returned to Milan in the month of August, and there the same arrangements were made with respect to their bed-rooms. While at Villa d'Este, it will be proved by various witnesses that the Princess and Bergami frequently rode out alone, in a vehicle, so contrived that there was only room for one to sit down, so that if there was a second person, it was necessary that one should sit on the other. In this they frequently drove out, the Princess sitting on his knee, with his arms round her waist, while he guided the horse. In this indecent posture they were frequently seen together. On the River Brescia they were often seen indulging in most indecent familiarities, kissing one another, and taking other freedoms which it is impossible to account for, unless by supposing that a criminal intercourse took place. All this will be proved by various witnesses. On the return of the Princess from the East, she brought in her train a man named Mahomet, of the most brutal and depraved manners. This person used to exhibit himself at the Villa Branchi in the most indecorous and shameful manner, the Princess and Bergami being present: and to crown all these proofs, the Queen, though a Protestant, visited Roman Catholic places of worship with Bergami, though, on her first arrival in Italy she acted as became a Protestant Princess, and either attended divine worship in some Protestant chapel, or had it performed in her own house. This rule she observed while at Genoa, but relinquished it soon after Bergami came into her service.

The Learned Attorney-General then concluded, by stating, that such was the case in proof, of which he was about to call witnesses.

In order to substantiate the several charges above enumerated, and more particularly the alledged adulterous intercourse at Naples, and the series of indecencies during Her Majesty's abode in Italy, and her passage thence to Africa and Greece, the Attorney-General proceeded to call his first witness,* an Italian, of the name of Theodore Majocchi.

This witness deposed, that he was a native of Tolondi, about thirty miles from Lodi, and had been a fellow-servant with Bergami, in the family of General Pino; he being at that time a postillion, and Bergami courier to the General. That Bergami was then very poor, and his wages did not exceed two English shillings and threepence a day. That in 1816, in the beginning of the year, he (Theodore) entered the service of the Princess, upon the invitation of Bergami, and that Bergami was all that time only courier to Her Royal Highness, and always dined at the servants' table, with Hieronymus, a waiting-maid, of Mademoiselle De Mont, and the Maitre d'Hotel. That the sceping-room of Bergami opened into a small cabinet, which terminated the gallery, into which opened the chamber of Her Royal Highness. That no one slept in the cabinet; it was merely a small room at the end of the gallery or passage, and a door in one side of it opened into Bergami's chamber. He remembered Bergami receiving a kick from a horse; he (Theodore)

* Her Majesty was struck with such a powerful emotion on the appearance of this witness, that, having hastily turned to behold him, she suddenly exclaimed, "*Theodore*," and rushed from the House. Theodore had been greatly indebted to her favour, and was regarded by her as one of the most faithful and attached of her domestics.

was ordered, in consequence, to sleep on a sofa, in the cabinet, to attend him, and he continued to sleep there for five or six nights. In the course of this period, he remembered the Queen passing twice at a late hour of the night, to visit Bergami. On the first occasion she made this visit about one o'clock in the morning, and remained with Bergami about ten or fifteen minutes. On the second occasion, she remained about the same time, and witness heard a whispering conversation. Most of her English attendants quitted Her Royal Highness before she left Naples. From Naples Her Royal Highness proceeded to Civita Vecchia, and thence on board the Clorinde frigate, to Genoa, where she remained forty or fifty days. In Genoa she lived in a palace on the road towards Milan. In this palace the chambers of Bergami and Her Royal Highness were contiguous; they were only separated by a room for keeping trunks, into one side of which Her Royal Highness's room opened, and into the other the chamber of Bergami. He saw Bergami and Her Royal Highness breakfast together in a small saloon, whilst at Genoa; no one else was present. He remembers a courier arriving late at night; he (Majocchi) knocked loudly at the chamber of Bergami, to inform him of this arrival, but no one answered from Bergami's room. He must have heard, if there. From Genoa Her Royal Highness went to Milan, and took up her residence in the Borromean palace. Her household was there augmented by the arrival of all Bergami's family—Faustina, his sister; Countess of Oldi, another sister; Lewis, his brother; Victorine, his child; and Bergami's mother. At the Borromean palace, the chambers of Bergami and the Queen were only separated by a wall. From Milan Her Royal Highness proceeded to Venice, and the chambers were there likewise contiguous, opening both into a grand saloon. Bergami and the

Princess frequently walked out together, arm-in-arm, both by day and night. At Genoa, Bergami, only then a courier, began dining with the Princess, and always afterwards continued to do so. From the Borromean palace Her Royal Highness proceeded to the Lake of Como, and took up her residence in the Villa Villani; the apartments of Bergami and herself were again contiguous. Witness made Bergami's bed, and it had seldom the appearance of having been slept in. He remembers the Princess giving to Bergami a blue silk dressing-gown, which Bergami afterwards wore every morning, and breakfasted with the Princess, always rising at the same time. From the Lake of Como the Princess went to the Villa d'Este, and thence, in the Leviathan, by Palermo and Messina. At both these places they had the same contiguity of bed-chambers. At Palermo he saw Bergami kiss the lips of the Princess, upon the occasion of asking her permission to go to Messina. From Messina they went to Syracuse, where the Princess's chamber was an upper one, and that of Bergami was one immediately under, each communicating with the other by means of a private stair-case. Thence they went to Catania, where the chambers were only separated by a closet, into which the doors of both opened, and the closet was always locked at night, so that no one could enter or cross it, but through the doors of Bergami and the Queen. Thence they went to Augusta, where the chambers were situated exactly similar. At Augusta they embarked on board a polacre, for Tunis, and thence into Greece. Bergami was by this time made chamberlain, a Knight of Malta, and Baron Francina. In the polacre there was the same contiguity of cabins. Bergami had been taken ill a little before this time; witness was desired to warm his bed. On entering the room for that purpose, he saw the Princess, who desired him to make it very comfortable.

Witness remembered the Princess and Bergami being together in a tent, at Ephesus. The tent was in the walled inclosure of a temple, and no beds were there but those of the Queen and Bergami. Witness entered to bring dinner; saw the Princess seated on one side of the bed, and Bergami on the other. At Aum they slept in a similar way under a tent, the Princess and Bergami always alone, and apart from their attendants. It was the same through the whole of her voyage through Greece. The tent used on all these occasions was double walled; it had two arches, one within the other; the bed and sofa were in the inner circle, and Bergami and the Queen were invariably together in all hours of the day and night, in this inner tent. Witness remembered the Princess taking a bathe on board the polacre; he carried the water-pails to the door of the bath, where Bergami received them, and then went into the bath to the Princess, whom he handed in, and shut the door. Before their return from Greece, the Princess went to the Villa d'Este. The Princess frequently gave balls: these balls were attended by peasants and country people. Princess went from the Villa d'Este on a tour into Germany. At every inn the Princess and Bergami always arranged the rooms, and always selected their own chambers immediately adjoining each other. Bergami and the Queen travelled in this journey, in the same carriage: the witness had to put a vessel into the seat of the carriage, for the Queen's private necessities of nature. This he generally found used, and must have been used in the presence of Bergami. There was a theatre at the Villa d'Este. The Princess and Bergami frequently acted characters together: Mahomet, the Turk, exhibited most indecent attitudes and buffooneries; these attitudes imitated what could not be mentioned. The Princess and Bergami were present, and the Princess laughed.

The examination being finished on the part of the prosecution, Mr. Brougham, on the part of the defence, commenced the cross-examination; the points of which, as separated from matter totally extraneous, were as follows:—

Being asked whether he had not left the service of General Pino for maliciously killing a horse, he replied in the negative. Being asked his wages in this service, he replied, two livres a day. Being asked, whether a servant of Sir William Gell dined with him at the second table in the Queen's palace, he replied, non mi ricordo. Being asked whether a servant of Mr. Craven did not dine there, he replied in the same words, non mi ricordo. Being asked where William Austin slept, he replied, non mi ricordo. To the question, whether at Naples, and other places, he did not always sleep in a room intervening between her Majesty's and any other room, he replied, non mi ricordo. He did not remember, likewise, where Dr. Holland slept. He did not remember whether there was any other passage to Bergami's room, at Naples, but through the cabinet, in which he (the witness) slept. He would not swear there was no other. Being further pressed upon this subject, he said there was another passage, after the question had been put to him thrice. To the question, where did Hieronymus sleep, non mi ricordo. To the same question as to Sir William Gell's servant, non mi ricordo; and to the same question as to Madame De Mont, non mi ricordo. Bergami was only confined from the effect of the kick. To a question whether he had seen him walk during that time, non mi ricordo. To a series of similar questions (put for the purpose of establishing the incapacity of Bergami for any intrigue during that confinement) witness replied only by the same answer. The same answer—non mi ricordo, was given by him to the several questions,

whether he was attended by any medical man—*whether he entered his room often, and then saw him lyeing down,* or walking—whether Sir William Gell accompanied the Queen frequently into Bergami's chamber, and whether Dr. Holland did not go frequently. A lady of the name of Falconet, and her two daughters, accompanied the Queen to Rome when her own attendants left her. To a question, whether he remembered seeing any other ladies, he replied, non mi ricordo. Witness had said, in his examination in chief, that he had once knocked up Bergami, at a late hour, and that Bergami, if in his room, must have answered. Being now asked why he had not so knocked him up, he replied, the house was attacked with robbers. The House objected to a question by Mr. Brougham, whether this attack was not an affair contrived by Baron Ompteda, Majocchi's friend and master. It was a quarter of an hour before Bergami appeared in answer to this summons. The Queen had gone at Venice, to a private house. Next to the Queen's room, in that house was another private room and a gallery. *He did not know (not remember) whether* Hieronymus *slept in this room. He did not remember whether* Austin had a bed in the gallery. He did not remember where Lieut. Hownam slept. Austin, Hownam, and Hieronymus, were all at Venice with Her Majesty. He did not remember where Victorina slept: he did not remember whether she slept with the Queen or not. Did he ever see her sleep in any other chamber? He did not remember. To a question whether Mr. Burrell was at Venice with the Queen; he did not remember. Where he slept; he did not remember. He was at the Villa d'Este with the Queen, after her return from Greece. The position of the bed-rooms was then arranged. The rooms then opened into the gallery, and Bergami, the Queen, and the women slept in three rooms connected in

succession with each other, but all opening into the gallery by separate doors. In travelling in Greece, Her Royal Highness travelled by night, and rested in the day time in tents: Her Royal Highness travelled on horseback, and travelled all night, mounting at sun-set and dismounting only at sun-rise. To a series of questions, how many hours this might be, he replied successively, that he did not remember. The Queen used to be extremely fatigued, and to go immediately to rest on a Turkish sofa. The tent was a double-walled tent; an outer and an inner wall. He and Carlino, the nephew of Bergami, slept between the inner and outer tents. It was their constant place of rest. Two bedsteads were always brought: the one a mere sofa—the other an iron bedstead, with a leather mattrass. The Queen, on dismounting, used to take off her upper garments—her gown only, or pelisse: it was only her pelisse: he did not remember whether gown or pelisse: he did not remember whether he ever saw the Queen take off more clothes: he did not remember whether he ever put any blankets on the Queen's bed himself: he did not remember whether there was at any time any bed-clothes. To a question whether he ever saw Austin sleep under the tent, he did not remember. To the same question, whether with respect to Hieronymus, he did not remember. To the same question, as to Lieutenants Flynn and Hownam, he did not remember. He was frequently sick when on board: always then used to go below: has been below several days together: he did not remember whether he left any sailors on deck when he used to go below upon becoming sick: he did not know *how many sailors there were:* he did not remember whether there were four or twenty-four. To a series of questions where her Majesty slept on her voyage to Tunis,—where, on Her voyage from Tunis to Greece,—where, on her journey from Constan-

tinople to Palestine, he replied, by the same answer, *non mi ricordo*. He himself always slept in the hold of the ship: he had been in the dining-room on board the polacre: he did not remember whether it had three doors or two. The Queen bathed in a small room at the further end of the dining-room: it was his duty to prepare the bath: he did do so upon the occasion on which he before spoke: he filled it half full, and then called to Bergami to feel whether the water was sufficiently tepid. Bergami came and felt it; no one was then present, but Bergami and himself: Bergami then told him to go and fetch some more hot water, lest it should be wanted. To a question whether there was not a third door and a fourth in the dining-room opening into two other apartments, he replied that he did not remember. He did not remember whether the Countess of Oldi did not occupy one of the apartments opening into the dining room, and the Queen the other. Caneva was with the Queen on board the vessel. It was his duty to be in attendance, but he did not remember where he was on this occasion, nor where he slept. Her Majesty had four maids with her during this long voyage, Dumont, *Brunetta*, and two *others*. He had seen Dumont last at Pesaro: had never seen her since: had never seen Sacchi since leaving the service of the Princess at Pesaro. No one was present on the occasions when he (witness) saw Bergami and Her Royal Highness at breakfast together: he saw them himself. To a question, was Hieronymus there? Non mi ricordo. Was Countess Oldi there? Non mi ricordi. No one was present but witness himself, when he saw Bergami salute the Queen. When Her Royal Highness slept on the deck she burned no light in the tent. Witness did not remember whether he had ever applied to the Queen to be reinstated in her service after leaving it. Did not remember (non mi ricordo) of ever having made such

an application to any of Her Majesty's servants. Being pressed with a series of interrogatories on this head, and replying *non mi ricordo* to all, he at length *remembered* that he *had* made such an application to Sacchi, one of the Queen's servants. Did not remember whether he was refused or not. He was not taken back into Her Majesty's service. He could not remember whether Countess Oldi and Victorine rode in the same carriage with Her Royal Highness. He could not remember whether Austin did so. He did not remember whether the residence of Her Majesty was at an inn or private house at Carlsruhe. He did not remember that it was at a house lent to Her Majesty by the British consul. He could not remember whether, upon the journey, Austin and Countess Oldi were not always inseparable from the Queen. Being pressed, he at length said they were so present. He did not remember whether Dr. Holland was or was not present when Mahomet exhibited his tricks. Mahomet used to act his tricks in a court-yard at the Villa d'Este. The Queen used to look on him from a window. Many other persons were present —men and women. Witness said he knew nothing of Baron Ompteda. Being pressed, he said he remembered him. To a series of questions, whether he remembered any false keys being made by or for the use of the Baron, and whether he remembered a locksmith being examined by the Queen on this score, and whether he was not in connection and concert with Ompteda, he replied by successive answers of non mi ricordo. He did not remember (non mi ricordo) who visited the Queen at the Villa d'Este. He did not remember whether the Prefect of Como came there. He did not remember General Pino, his former master, being once there. He could not remember more than once; but the General and his lady might have dined with the Queen more than once. He

did *not remember* whether these persons and others bore *any part in* the theatrical performances in the Villa d'Este. *When leaving* the Queen's service at Pesaro, he (witness) went *into that* of the Marquis of Oreschălta. He went with the Marquis *from* Italy to Vienna. His wages at Milan with the Marquis were about twenty pence English per day. At Vienna, forty pence. In the Queen's about twenty pence per day. He had saved about seven hundred livres whilst in the service of the Queen. She was a kind and generous mistress. On arriving at Vienna he was taken into the service of the English Ambassador, Lord Stewart, *at double wages*. He never saw the Ambassador personally, but his secretary. He knew Colonel Brown: he had been sent to him from Vienna by his grandfather. Witness here equivocated much as to the motive of his going to Colonel Brown, but at length acknowledged that he went to communicate concerning the Queen, and that he was well rewarded. All his family had been brought to this country. His father and his wife were both brought to England with him. They were all, and many other Italians in Cotton Garden. To a series of questions respecting Ompteda, the witness again manifestly equivocated, by replying non mi ricordo, and in a successive question acknowledging his remembrance.

Being cross-examined as to the contiguity of the chambers at Naples, and the existence of a gallery by which the Queen might have proceeded to Bergami's chamber, if so inclined, without passing through Majocchi's cabinet, he acknowledged the existence of this gallery, but repeated, and without variation, all his former answers as to the part of the Queen's having passed through his cabinet. He repeated, in the same manner, all his former evidence, with regard to the bath, but added, that Bergami, after a little time, came out, and went to call

Mademoiselle Dumont, who came and entered it. He did not know whether the Queen had taken off her clothes, and entered the bath before Bergami had left it, and Mademoiselle Dumont had entered it. He said he left the service of the Queen by reason of the indecent proceedings. He could not say what induced him to solicit Schiavini to get him received again. He was not serious in this proposal. He could not say why he made it.

The witness next called, was Gaetano Paturzo, the master or chief mate, and fourth part owner of the Polacre, on board of which Her Majesty and suite sailed to Greece.

This witness deposed, that his ship was of 300 tons burthen, and Her Majesty and suite, consisting of Bergami, Schiavini, Majocchi, Austin, and Carlino, Dumont, Brunetta, the Countess Oldi, and the child Victorine, embarked on board his vessel for Tunis in April, 1816. He deposed that the bed-rooms of Bergami and the Queen both opened into the dining-room, and it was easy to see from one into the other. He had at first arranged the bed-rooms of Bergami and the Queen with a more distant interval, but Her Majesty herself had made the change which rendered them contiguous. From Tunis he accompanied Her Royal Highness to Malta, and thence into Greece. He travelled with her to Jerusalem: in that journey Her Royal Highness and suite rested in two tents; there was an iron bedstead, with matting, in the one of them, which the Princess used. Witness did not know that Bergami slept in this tent. Witness knew that Bergami and several other persons in Her Majesty's suite were made Knights of St. Caroline by the Queen at *Jerusalem. From Jerusalem they went to Jaffa*, and thence re-embarked on board the same ship. A tent was then erected on the deck during the voyage, and Her Majesty remained in it night and day. The tent was

always closed at night, Bergami and the Queen being within it, and sleeping there. There was only an iron bedstead and a sofa under that tent. Witness could not positively say that Bergami slept in this tent, but he had sometimes entered it late at night, and saw Bergami, the Queen, and Countess Oldi there; and he knew of no other place where Bergami slept, or could well have slept, without his knowledge. He had moreover seen the tent unclosed in the morning, and then had seen Bergami lyeing on the iron bed, in his dressing-gown. Witness has sometimes known the tent to be closed in the day-time for an hour, or half an hour, when the Queen and Bergami were left together. Witness frequently saw Bergami and the Queen walk the deck arm-in-arm together. He had seen them sitting together on a cannon, their arms around the waist of each other. He had frequently seen Bergami on a bench on the deck, lyeing on his back, and the Queen leaning forwards over him. The captain, who was his near relation, used to send him (witness) away upon such occasions, from regard to his morals. Witness frequently saw Bergami supporting the Queen on his lap, the Queen's arm around the neck of Bergami. Witness remembered being on board the polacre, on St. Bartholomew's day, on which occasion the ship was illuminated in honour of Bergami, whose name was Bartholomew, and the crew exclaimed, "Long live the Princess and the Chevalier."

The examination in chief of this witness being thus terminated, his cross examination was commenced by Mr. Denman.

In the course of this, he stated, that the number of the sailors on board the polacre consisted of twenty-two, but that he had not seen any of them lately, except the captain. He had access to all parts of the ship, but when the tent was closed they were not allowed to pass it.

Witness had come forward upon the application of the British Consul at Naples. Witness had not come forward from any hope of reward; he was to receive only a bare compensation for loss of time and profit in his share; this compensation was about 200l. English, per month. He did not consider this to be too much. At Milan, on his way to England, he had seen Colonel Brown: he was examined by the colonel and four other persons with respect to his evidence: it was taken down in writing at Milan. He had been examined since he came to London: he was with the other Italian witnesses in Cotton-garden. There was a communication from the dining-room with the tent; a kind of trap-door opened into it from below. The women all slept in the cabins below. Witness could not say positively that Bergami and the Queen slept under the tent. He wished to distinguish between knowing and seeing. He knew Bergami slept under the tent, because every one said so. He had seen the Queen in the morning open a little of the tent; he had seen her in a white gown, or dressing-gown, *open the tent to admit the air before sun-rise. There* was a direct communication from below between the tent and Countess Oldi's room. He had not seen Bergami in the tent on the occasion of the Queen's unclosing the tent early in the morning. The tent was opened in a very slight degree, and towards the sea only.

The next and third witness was then called, Guerguillo, the captain of the polacre, of which the former witness was master.

He deposed, that the bed-rooms of Her Royal Highness and suite, on their voyage to Tunis, were originally situated as stated by the previous witness, and that Her Majesty had so far changed that situation as to bring Bergami and herself into contiguous beds, not removed more than twelve English feet asunder. He repeated

likewise *the same statements* as to their sleeping together under the tent, in the voyage from Jaffa. The tent was always closed at night. The tent was occasionally opened by the Princess to catch the morning air. He had seen the tent at other times opened by some other person within, and on these occasions has seen the Princess lyeing on the bed, and Bergami with her in the tent. Bergami came from the tent in the morning when he made his first appearance. Bergami was always dressed on such occasions. Witness himself always received the light from the tent the last thing at night; it was always Bergami from whom he received it. The tent was frequently ordered to be closed in the day-time. No one was then within it but Bergami and the Queen. The Queen was in the habit of sleeping in the tent about an hour after dinner. Bergami was on such occasions always with her. Bergami always attended her to the bath, and to the water-closet. He had seen Bergami and the Princess sitting on a gun, and kissing each other. He had seen this more than once. Had seen them repeatedly walking arm-in-arm together. He remembered Bergami's acting the part of a child-bearing woman in the presence of the Queen, with pillows and cushions placed on his stomach. The Queen and Bergami always dined under the tent together, and most frequently alone. Victorine, the child, slept with one of Her Majesty's maids. He deposed to the circumstance of the celebration of the feast of St. Bartholomew, in honour of Bergami. He remembered Bergami's coming on board, after an absence of three days; he came at night, and the Princess received him at the entrance of the tent; they entered it together, and the tent was closed for the night. Witness had come forward under compulsion of the Neapolitan Minister, Castelcicala. He had pretended sickness in order to be excused.

Being cross-examined, he stated that the English Minister, Sir William A'Court, had applied to him at Naples, to come over as a witness against the Queen, and had promised him a compensation. That he had endeavoured to excuse himself, but that the Minister and Castelcicala would take no denial. That he had then consented to come on a remuneration of 225l. English, monthly. That this was a bare compensation. He had seen his mate and relation, Paturzo, and all the other witnesses the preceding day; they were all together in Cotton-garden. He had been examined at Milan; and in England, since his arrival. He had become known to the English Government on account of an application for the usual present in carrying a Princess, which the Princess had refused him.

Upon the conclusion of this witness's evidence, Majocchi was called in to be re-examined upon some statements and assertions, which contrary to the statements and assertions in his evidence, the Counsel for the Queen were informed that he had from time to time made to several individuals.

Being re-examined, he introduced his deposition, by soliciting the favour from their Lordships, that they would cut off his head if detected in falsehood. He deposed, that he knew the city of Gloucester very well. He had always said that the Queen was an excellent woman. But he did not remember whether he had ever said she always behaved herself with propriety. He did not remember whether he knew a person of the name of William Hughes. He might know such a person, but did not remember the name. In answer to a question, whether he knew a clerk at Messrs. Turner's, bankers, Gloucester, he replied, that he did not know the name *of the banker*. He did not remember any conversation with any banker's

clerk. He did remember complaining to a person of Bergami's not paying the Queen's servants their wages. He remembered Mrs. Adams, Mr. Hyatt's mother, and Mrs. Hughes, Mrs. Adams's housekeeper. He remembered William Hughes. To a series of questions whether he had not stated to this person that the Queen had always conducted herself with propriety, he replied in the same terms, non mi ricordo. To a similar series respecting conversations in stage coaches, he replied by the same terms, and in a way which manifestly discredited his testimony, and gave it the air of malicious exaggeration against the Queen, in the judgment of the House. It is unnecessary to say more of the evidence of this witness, the answer of every question being a non mi ricordo, and when he was pressed by a repetition of the same question in another form, the same non mi ricordo, accompanied with violent gesticulations.

The fourth witness, Berollo, Her Majesty's man-cook, was next called.

He deposed, that he accompanied the Queen from Greece to Italy, and had frequently seen Bergami in the tent, on board the polacre. He had seen Bergami and the Queen arm-in-arm at the Barona. Had seen them frequently in the kitchen together, eating together. Had seen them on the Lake of Como together, Bergami rowing the boat. Had seen the Queen witness the indecent exhibitions of Mahomet. On the morning that the Queen went to the King of Sardinia's Court, witness went to Bergami's chamber; he then saw Bergami come out of the Queen's bed-chamber, and go forward to his own bed; and the curtains being opened, he saw that Bergami's bed had not been previously slept in.

In his cross-examination, this witness said that he was the servant of the Marquis Marchesa, who lived at Cler-

ment; that the matter of his deposition being known, he had been sent for to Milan, and had there given evidence before Colonel Brown, and the Advocate Vimircati. He had forty English pounds a year, in the service of the Queen, and his board. He expected to have nothing but his trouble for coming to England. He knew his daughter was to be supported in his absence, but he did not know how much she was to receive.

The fifth witness, Captain Pechel, was then called. He deposed, that he was captain of His Majesty's ship, the Clorinde, and in March, 1815, had received the Princess and suite on board his ship, at Civita Vecchia. That Bergami was with her; was at that time in the capacity of a menial servant, and waited at dinner behind her chair as such. That afterwards, in the September of the same year, the Queen applied to be taken on board his ship, at Messina; that her Majesty's relation with Bergami had then become so decided, that he (the witness) could not induce himself to sit at table with him, and the more particularly as he had known him in his menial situation. That he had represented this to the Queen, who had resented it with such a lively indignation, as to order a separate table for herself whilst on board.

The next witness, Captain Briggs, captain of the Leviathan, who carried Her Majesty from Genoa, gave evidence generally similar, except, that (not having known Bergami in his menial situation) he had allowed him to dine at his table, and that the Queen always dined there with him. That he had frequently seen Bergami and the Queen walk arm-in-arm together on the deck, and that the Queen had altered the original disposition of the bedrooms, as made by witness, into another, which rendered the chambers of Bergami and herself adjoining and contiguous.

The seventh witness was then called, of the name of

Pietro Puchi.—He deposed that he was chamberlain (book-keeper or head waiter) of the Black Eagle Inn, at Trieste. That he remembered the Queen coming there in a coach and two horses, with Bergami only in the carriage with her. That Her Majesty remained at Trieste six days, and slept in a contiguous chamber to that of Bergami, the doors of their two chambers opening into the dining-room. The door from the common passage into the dining-room was fastened every night, so that the Queen, Bergami, and the Countess of Oldi's chambers were all locked up from all other communication. He had seen Bergami three or four times come in a night-dress from the chamber of the Princess. He had seen him do this at about seven in the morning. He had seen this through the key-hole of the dining-room door. He was in the habit of looking through this key-hole in order to know whether it was time to prepare breakfast. On entering with breakfast, he saw the Queen and Bergami together in the Countess of Oldi's room, another room within the circuit, locked in. Bergami's bed, he always observed, did not bear the appearance of having been slept in. The Queen's bed had the impressions of having been slept in by two. Two basins, &c. were in the Queen's chamber; they were both always used.

Being cross-examined, he stated, that it was three years after this occurrence, that he had been sent for to Milan, and examined concerning it. He was sure the Queen was at Trieste six days. Had been examined since he arrived here, by Mr. Maule, Solicitor of the Treasury. He had been waiter at the Black Eagle nine years. He had said he expected to be enabled to take the Black Eagle himself if his suit succeeded: he did not mean this suit against the Queen. His answers on this point did not appear to give much satisfaction to the House, and added to the circumstance of his habit of watching

his guests through the key-hole, manifestly excited a feeling against him; though, it is unnecessary to add, that he was not detected in any contradictions.

The eighth witness, Barbara Cresse, was then called.—She deposed, that she lived at Carlsruhe, as chambermaid of the great inn there, and was there when the Queen came to that place. That the Queen and Bergami slept in two chambers, both of which opened into the great dining-room, and that the door of the great dining-room was always locked every night. The Queen remained at that inn eight days. She remembered one evening, about eight o'clock, entering Bergami's room, to carry a jug of water; that she then saw Bergami in bed, and the Queen sitting on it, Bergami's arm being round her neck. The Queen jumped up, much alarmed, and witness left the room in haste. On making Bergami's bed witness once saw a part of the Queen's apparel, as if there left.

The cross-examination of this witness in no degree affected her previous evidence. She repeated the same facts—the same circumstances, with details respecting the state of the bed too indelicate for narration. It related to her observations on making the bed of Bergami.

Joseph Bianco, the ninth witness, was then called.—He deposed, that he was door-keeper to the Grand Bretagne Inn, at Venice, that he was there when the Princess of Wales was in that city; and that he remembered a jeweller coming one day to that inn to sell a gold chain to the Princess; that the Princess purchased it, and put it round her own neck; and after the company at that time present at dinner had departed, she took it from her own neck, and with her own hands put it around Bergami's. That Bergami was at that time in the habit and condition of Her Royal Highness's courier. That Bergami took the chain from his own neck, and playfully

put it again on the neck of the Princess, and then took her hand.

In his cross-examination, witness stated that he had been to Milan, and had there been examined as to these facts. That he was daily with the other witnesses in Cotton-garden; but that he expected no compensation for his evidence, beyond his expences and loss of time.

The tenth witness, Raggazzoni, a master-mason, was then called.—He deposed, that he was in the frequent habit of working at the Villa d'Este, and had seen the Princess and Bergami frequently alone in the garden—sometimes arm-in-arm, sometimes together in a moveable garden-chair. That once in particular, as he was making some repairs in a grotto, at the bottom of the garden, he heard the noise of some persons entering, and descended the scaffold to see who they might be; that he saw Bergami and the Princess enter the grotto, and go up to the naked figures of Adam and Eve. These figures had fig-leaves around the middle, fastened by wires; Bergami and the Princess went round the figures, moved the wires, and laughed. The grotto had two rooms—an outer one, and an inner one; this occurred in the inner one, the witness being at the time in a small passage which led from the outer one into the inner one. He had frequently seen Bergami and the Queen in a private part of the gardens at the Villa d'Este, and particularly about nine at night on St. Bartholomew's Day; the Queen and Bergami were then seated on a bench in the extreme part of an alley in the private gardens. He had been in the theatre of the Villa d'Este; had seen the Queen and Bergami act several parts together, and remembered one occasion, on which the Queen acted the part of a sick woman, and Bergami that of the doctor.

In his cross-examination, he stated that he had been to Milan to be examined; that he was fetched there by

Rastelli, a courier in the pay of the Milan Commissioners. He had not mentioned these facts before his examination, and could not say why Rastelli applied to him, except that he was known to work at the Villa d'Este. There were twelve or fourteen men working at the Villa, but none of the others were sent for.

The eleventh witness, Hieronimi Mardi, was next called.—He deposed, that he was the Princess's gardener, at the Villa d'Este. That he knew Bergami as an excise officer before he entered the service of the Princess; and that Bergami was then very poor, and wholly insignificant. He had frequently seen Bergami and the Queen walking arm-in-arm in the gardens of the Villa, like man and wife. He had frequently seen them in a carriage together, upon which occasions the Princess was sitting on the lap of Bergami. Had frequently seen them in the kitchen together, and eating off the same plate. He knew a gate which led from the large garden into the small one; had seen Bergami and the Queen there. On one occasion saw Bergami kiss the Queen on the mouth or cheek, at this place. Had heard the Queen term Bergami—*mon cœur.*

In his cross-examination he stated, that he had been at Milan, to be examined by Colonel Brown and Vimircati; that he had been fetched by Rastelli. That he expected nothing but a compensation for expences and loss of time. That Rastelli had been in the service of the Princess, and had been dismissed, but he did not know wherefore. He had been examined in England.

The twelfth witness, Paoli Agrani, the under-cook of Her Royal Highness, was then called, and examined.—He deposed, that he was a Milanese, born in Lodi; that he knew Bergami there before he had entered the service of the Queen; that he was then poor, and in prison. He afterwards met him again, in the service of the Queen at

the Villa d'Este, when Bergami was a Baron, and commanded the Queen's household. He had frequently seen Bergami and the Queen together in the kitchen, and frequently arm-in-arm. There were frequent balls at the Barona; they were attended by the lowest people, the daughters of innkeepers, and other low tradesmen. None of the Milanese nobility ever attended them. Had seen the exhibitions of Mahomet, and saw the Queen present at them. They were grossly indecent, very gross indeed. The Princess only laughed at them.

In his cross-examination, he stated that he had been dismissed from the service of the Queen, and had since lived with a priest of the name of Borbona, and with the Vice-Prefect of Morca. Rastelli had fetched him to Milan to be examined.

The thirteenth witness, Louisa Dumont, was then called.—She deposed, that she was a Protestant, and a native of the Pays de Vaud, in Switzerland. That she entered into the service of the Queen at Lausanne, as femme de chambre, and thence went with her to Milan. That Dr. Holland, Mr. Craven, Sir William Gell, and Austin, were then the male suite of Her Majesty, and Lady Forbes the Lady in waiting. That about fourteen days after witness's arrival at Milan, Bergami was taken into the service of the Queen, and attended her as courier, and in a courier's dress. That upon her Majesty's arrival at Naples, Austin was removed from his usual bed, in the same room with her Majesty, and that the former arrangement of the rooms for Her Royal Highness's suite was so altered, as to place Bergami and herself into chambers immediately contiguous, communicating, and at night shut in from all other means of communication with any one from without. Upon the evening of the Princess's arrival at Naples, she went to the Opera, and returned very early. She then went to her bed-room,

where witness attended her. She (the Princess) then went to the cabinet at the end of a passage towards the bed-room of Bergami, as if to communicate something to him. She then came back, and desired witness to forbid Austin entering the room, as she wished to go to sleep without being disturbed. The Princess appeared much agitated: she sent witness away immediately. This was not her usual practice. There were at this time two beds in the Princess's chamber, a large one and a small one. It was the Princess's usual habit to sleep in the small one, and the large one had accordingly no sheets. On the following morning the small bed had not been slept in; the large one had. Whilst at Naples, witness frequently saw Bergami in the bed-room, and at the toilette of the Queen. Bergami was then only a courier. Her Royal Highness was sometimes dressed, and sometimes undressed. The passage to Bergami's chamber was made the Princess's room. Witness, upon shutting the Princess's door for the night, has seen Bergami coming, undressed, along this passage, towards the Queen's bed; Bergami had, on this occasion, only his shirt on. The large bed always had the appearance of having been slept in whilst the Princess and suite remained at Naples. Witness remembered a masqued ball being given by Her Royal Highness, at a house near the sea. Her Royal Highness appeared on this occasion in three masks: the first was a country girl; witness habited Her Royal Highness in this dress. They, witness, Bergami, and the Princess, then went to the house. The Queen remained about half an hour in the dress of the country girl, and then came out to change it, and went into a dressing-room for that purpose; Bergami went into the dressing-room with her, and witness remained behind in an anti-room. Bergami and the Queen remained in the dressing-room togeth about three quarters of an hour. They then

and Victorine, his daughter. Whilst at Genoa, Her Royal Highness went to a country house, because it was distant from the town, and the observation of the English. From Genoa the Princess went to Milan, and there resided in the Boromean palace: Bergami travelled on horseback on that journey. He was still a courier: he frequently rode up to the coach, and received food and drink from the hands of the Queen. Lady C. Campbell joined Her Majesty at Milan, and remained a month with her; she then left, and was succeeded as Lady of Honour by the Countess of Oldi. The Countess was handsome, but can speak no French, and the Queen knew no Italian. From Milan, the Queen and suite went to Como. Mr. Hannam was the only English gentleman who accompanied her. The others left at Milan. Mr. Burrell left last, and there was much more freedom in Her Royal Highness's conduct, than before. The Princess and domestics then began playing together in the saloon. They played at blindman's buff, the Queen played as well as others; Bergami was always of the party. Bergami dined almost always with the Queen in his courier's dress. Wherever they went, he and the Queen always slept in contiguous apartments, and the communication of these apartments, with all others from without, was uniformly, where possible, closed up. This was an invariable practice. It was so in the Villa d'Este The Queen's room at this Villa, was at the extremity of an anti-room, a narrow passage, and two rooms leading from one into the other. Bergami slept in one of these rooms, the Queen in the other; and at night, all communication was shut out, by the locking of the door of the anti-room. The witness undressed the Queen every night, the Queen then saw her to the end of the passage, into the anti-room, and then locked the door. Bergami was always at the time in his chamber. Witness frequently

saw Bergami in a silk bed-gown in the mornings, upon coming to dress the Queen, and the Queen in a silk mantle, as if just risen from her bed. Witness accompanied her Majesty on her voyages to Sicily and Greece. The arrangement of the bed-rooms on board the vessel was always the same. Her Royal Highness's room opened into Bergami's, and the communication from without was secured by the Princess the last thing at night. The Queen and Bergami always embraced and saluted at parting. On board the Clorinde, the witness saw Bergami lying on the bed of the Queen, the Queen being at that time in bed. At Syracuse, the Queen occupied a private house: the apartments of Bergami and herself, were contiguous, and closed up from all communication at night. At Catania the same: Bergami slept in the Countess of Oldi's room whilst ill; witness saw the Queen leave that room early one morning in her night dress, and with the cushion under her arm, which she always used as a pillow. Victorine slept in the Queen's room. Witness heard her cry at night: the Queen was not with the child. The Queen on leaving the Countess Oldi's room, passed witness, and looked very earnestly at her, but said nothing: witness was in bed, and affected to be asleep. Her Royal Highness here caused her picture to be taken as a Penitent Magdalen: the breasts were uncovered. Bergami shewed it to witness; three other portraits were taken in the same manner. In all of them, the Queen was uncovered, nearly to the middle of the body. Several portraits of Bergami were likewise taken, in the character of a Turk. They were taken by command, and at the cost of, the Queen. The Queen arranged his Turkish dress, whilst he was sitting for them. Witness went on board the polacre Industrie at the Villa d'Este, Bergam slept in the dining-room, and the Queen's chamber opened into the dining-room, the Queen from her room, and Ber-

garni from his, could see each other in bed. At Villa d'Este the Queen lived in the Dey's palace; Bergami and the Queen had here likewise contiguous chambers, in the same manner as at Athens. At Athens, [illegible] in the Queen's bedroom, the Queen being in bed. [illegible] Levant, the Queen's [illegible] morning [illegible] [illegible] Witness [illegible] the Queen [illegible] At Acre [illegible] [illegible] [illegible] dressed the Queen [illegible] being [illegible] frequently [illegible] the Queen [illegible] under [illegible] and Bergami always [illegible] [illegible] saloon, Bergami entered the Queen's chamber, and threw himself on the Queen's bed [illegible] Remember [illegible] door of the [illegible] in the [illegible] Bergami and the Queen were often under the same tent [illegible] The Queen occupied herself [illegible] in working for [illegible] Bergami [illegible] almost always [illegible] in the Queen's presence. [illegible] Highness, by [illegible] a cushion under [illegible] The Countess of Oldi [illegible] whilst on board, the Queen [illegible] self. Upon the return of the [illegible] Villa d'Este, the [illegible] communication from the [illegible] Bergami's. A table was [illegible] Bergami family except [illegible] dined with the Queen. [illegible]

Villa d'Este, Bergami used to act Harlequin, and the Queen Columbine. Bergami wore ear-rings when he first came into the service of the Queen; witness saw those ear-rings afterwards in the ears of the Queen, and Bergami with others. Witness frequently found articles of apparel of Bergami's, namely, hat, slippers, bedgown, &c. in the bed-room of her Royal Highness, in the morning. On a visit to General Pino's, witness saw Bergami, late at night, pass through her room to the Queen's, witness being at that time in bed. Witness knew the Barona well. It was a house and an estate given by the Princess to Bergami; the Princess had been there twice with Bergami, once for four days, and the second time for a month. During the whole period, both the Princess and Bergami slept in adjoining rooms, which communicated with each other, *and at night were shut up from all other* communication, by a door at the beginning of a passage common to both of them. Balls were given at the Barona, none attended but the lowest people. Bergami told the Princess a story about a gentleman and a young woman, which passed at the Barona, *it was too indecent, to be narrated*. From the Barona, they went to the Tyrol. Witness remembered being in bed in the Princess's room, at an inn at Scharnitz, Bergami arrived at midnight or later, upon which the Princess desired witness to quit the room and bed, witness did so, and Bergami remained. At Carlsruhe, witness saw Bergami on a sofa, the Princess leaning her face on his *arm*, it was about twilight. In Rome, and at Pesaro, the Princess and Bergami slept in contiguous rooms, and always, where possible, the communication to both was closed up at night. Witness remembered the Princess being in pantaloons, and Bergami's observing upon it, "how handsome, *Princess*, you look in this way. I like you better *so*." Her breasts were then uncovered. Princess went *to* a Catholic chapel

with Bergami; it was put to the vote whether the Princess should be admitted and was negatived; at the Cassino at Milan the Princess herself told witness so.

Being cross-examined, this witness deposed, that she was called Colombe, as well as De Mont, being born at Colombe; had by one once been called Countess of Colombe, but never favoured or assented to that deception; witness could not swear that she was not repeatedly so called, but did not recollect *it* more than once. Witness did not know where Mr. Craven's servant slept at Naples. Witness herself slept *alone* every night. Witness could positively swear, *that*, every night; "yes, *every night*." And the whole night, "yes, *the whole night*" And alone, "Yes, *alone*." In her character of the Genius of History, the Queen performed before the Neapolitan Court, who were present; that is to say, the King, and Neapolitan nobility, but not the Queen. All the Court were present. Two other Ladies, acted Fame and Victory. The Queen never undressed at night, on her journey through Syria; only took off her outer robe and put on another. Witness's sister, and not witness, always undressed her on those occasions. Witness remembered a Jew harper being taken on board the polacre; could not tell where he slept. Did not know where he slept any night; nor any *part* of any night. At Scharnitz, the Princess was not undressed when witness was desired to leave the room. It was extreme cold weather, and the Princess had laid down in all her clothes. Witness was applied to by some person shortly after leaving the service of the Queen. It was one year after. They wanted to know what witness had to depose against the Queen. The application was made in not less then a year? Yes. There was something of an application made about six months, but it was a *double entendre* between her and her sister. Witness had never said, that the Princess was

surrounded by spies, whilst in Italy, but could not swear that she had never said so. She could not remember. *Witness* knew Ompteda. Did not remember the Princess complaining to him about opening locks. (A *letter being* here showed to her folded down, witness equivocated much, but at length acknowledged it was her writing. Witness was much confused, and withdrew for a few moments.) *To a series of questions* respecting expressions of attachment used by witness since her discharge, *to the* Princess, respecting a desire to re-enter her service, and respecting her frequent avowals of her own conviction of the innocence of the Queen, and a number of her own *letters containing those* avowals, witness replied with the greatest confusion, equivocation, and manifest concealment, saying repeatedly, *she did not remember: then,* (upon being pressed) acknowledging that she *did* remember, but intended only a double entendre. And when asked to explain the meaning or purpose of this double entendre, she became again embarrassed, confused, and perplexed, and gave answers either wholly absurd, or artificially, but self-convictingly contrived to give a face to the allegation *that she intended what no reasonable* person could intend. The whole of this witness's evidence had the same character, namely, that, whether her former deposition as to the facts was true or false; it was still given in the spirit of wilful exaggeration as if given for a purpose and reward. It is still necessary to observe, that, except in these circumstances, namely, the assuming to herself that she had no interested motive in coming forwards, and the disguising all the circumstances which affected her own character, there was no direct contradiction or inconsistency with any fact in her former testimony, though it was so far affected, as to be entitled to no credit whatever, *upon the mere score of being adduced by such a witness.*

The following letters were amongst those at first denied, but at length acknowledged by witness to have been written by her to her sister.—

"I have almost forgot to confide to you what will surprise you as much as it did me. On the 21th of last month, I was taking refreshment at my aunt Clara's, when I was informed that an unknown person wanted to deliver a letter to me, and he would not trust it to any one else. I went down stairs to him, and desired him to walk into my room, when judge my astonishment on breaking the seal, when I found it contained a proposition that I should set off immediately for London on the pretext of being a Governess, and promised me high protection and a brilliant fortune in a very short time. The letter was without signature, but to assure me of the truth of its contents, I was informed, that I might immediately draw on a banker for as much money as I wished."

The following further letters to her sister, were with the same difficulty acknowledged by witness and then read. The first was dated Switzerland, February 8th, 1818.

"Dear and good Mariette.—Although you have not said four words in your last letter, yet I love you too well not to pardon you for it, and it is with real pleasure that I reply to you. I hope, my dear sister, you are perfectly happy; but I ought not to doubt it, so well as I know the extreme goodness of her Royal Highness, and all those with whom you have any thing to do. Endeavour always to deserve such kindness, by continuing the same way of life which has procured it for you, that experience may not be useless to you, Keep always before your eyes the trouble which arises from rashness and inconsistency; you have lately had sufficient proofs of that.

"You will, no doubt, be very desirous of knowing what is my situation in our little country; I assure you, my dear, I have been received in such a manner as you would have no idea of; I have been every where sought after, and received with '..

greatest cordiality at Lausanne, at Moger, and at Cassony. I passed a whole month at the last town, where every possible amusement was procured for me. You know how fond I was of sledge-riding; well, every day we made a party for it. At the beginning of the new year, we had a delightful masked ball; last week two more, the best that have been seen in this town, and a number of other evening parties given by a friend of mine: in short, every day brought some new invitation. Conceive to yourself how, in the midst of all these numberless pleasures, I was sad and silent; every one quizzed me on my indifference: I, who used to be so gay before my departure. I was not insensible of my dullness, but, in spite of all my endeavours, could not get the better of it.

"Can you not, my dear, divine the cause of all my sadness? Alas! is it not the regret of having quitted her Royal Highness, and of knowing that she suspected my character, and taxed me with ingratitude? Oh, God! I would surrender half my life, could she but read my heart; she would then be convinced of the infinite respect, the unlimited attachment, and the perfect affection I have always entertained for her august person.

"I should have wished, my dear Mariette, to have written to the Count, to thank him for the kindness he has shewn to me, but I was afraid to trouble him; tell him, one line, if he would but have the goodness to write to me, it would afford me a little tranquillity, since it would make me hope for pardon.

"I was afraid her Royal Highness would be displeased at the course I have taken in my journey. Judge, then, of my happiness when I learned that she was not at all angry at it; but, on the contrary, gave me leave to take it. In truth, this pretence has been very useful to me; for you are sufficiently acquainted with the world to suspect that I have been assailed with questions, particularly by great folks—for I am not vain enough to think that I have been sought after only on account of my beautiful eyes—and that a little curiosity has had no part in the desire to see me. Ah! why was not her Royal Highness at my side? She would then have found if I were ungrateful.

"How often in a numerous circle, have I with enthusiasm

enumerated her great qualities, her rare talents, her mildness, her patience, her charity; in short, all the perfection which she possesses in so eminent a degree.—How often have I seen my hearers affected, and heard them exclaim, that the world was unjust, to cause so much unhappiness to one who deserves it so little, and who is so worthy of being happy.

"You cannot think, Mariette, what a noise my little journal has made; it has been, if I may use the expression, snatched at. Every one has read it. ——— begged me to let her carry it to Lausanne; all the English who were there, wanted to see it immediately. I have been delighted at it, for you know I say in it a great deal of the best and most amiable Princess in the world. I relate in detail all the traits of sensibility and of generosity, which she has shewn; the manner in which she has been received, applauded, cherished, in all the places we have visited.

"You know, that where the Princess is my subject, I am not barren; consequently my journal is embellished with the effusions of my heart, my greatest desire having always been, that full justice should be rendered to her. I assure you, that although distant, it is not less my desire, and that I shall always endeavour with zeal that such may be the case, and as far as my poor capacity will allow. You may judge I shall not make a merit of this, since she will be ignorant of it, and even suspects me of ingratitude; but it will be only to content my ear, which would find a sweet satisfaction in this charming success.

"But I had almost forgotten to confide to you, a thing which will surprise you, as much as it has me. The 21th of last month, I was taking some refreshment at my aunt Clara's, when I was informed an unknown person desired to deliver me a letter, and that he would trust it to no one else. I went down stairs, and desired him to come up into my room; judge of my astonishment when I broke the seal, a proposal was made to me to set off for London, under the pretence of being a governess. I was promised high protection, and a brilliant fortune in a short time. The letter was without signature, but to assure me of the truth of it, I was informed that I might draw on a banker for as much money as I wished. Can you conceive any thing so singular?

done without it. I regret the velvet very much, as I want it for my hat; besides, we did not get that either for nothing, and three louis are well worth lamenting, without reckoning the other baubles. Money will not come by whistling for it. A sous here and a sous there soon make a livre, and twenty-four livres make a Napoleon. You see I am become an adept in arithmetic. I will answer for it, however, that Mr. —— will make all good, if he has lost any thing. I shall shew him no favour, and have written to him in such a manner as sufficiently shews I am not very well satisfied with his negligence.

" But my dear Mariette, I perceive I have almost finished my letter without speaking of our dear parents. Our good mother is tolerably well, though her asthma and complaint in her stomach torment her sometimes, but nothing compared to what she has suffered this summer; my father is very well; Henrietta is always charming. I give her every day lessons in writing and reading. She sews very well, and repassie as well; she has already worked several frills for me, and some gowns, with which I am very well satisfied. Her desire of travelling is the same; pray try to get her a situation; I am convinced she will give you no cause to regret it. She is much altered for the better; she is gay, and always in good humour, mild, obliging, in short, of a character to make herself beloved wherever she goes; for she has an excellent heart, and knows how to be contented in all situations. Margaret is entirely amiable, of a pretty figure, and so lively, that she makes one half dead with laughing. Louisa is very genteel. I assure you, dear Mariette, they are all changed very much for the better, and I am quite contented with them.

" I have been for this month past in my favourite chamber at Colombier, where some repairs have been done; for example, a good chimney, and a small cabinet, wherein I sleep. I make little excursions often in our environs; and frequently receive visits which affords me amusement.

" I think I hear you say, ' Well, dear Louisa, what do you mean to do? Won't you marry? What does ——— do? I will tell you word for word. I every day feel more and more repugnance to marriage: ——— has done all in his power to

induce me to accept a heart, which, he says, he has preserved for me these seven years!—What heroical constancy, and little worthy of the age in which we live!! I shall not, however, be dazzled by it; and although he be rich, charming, and amiable, I do not wish to retract the refusal I gave him four years ago.

"If this amuse you, I will tell you of several other lovers, not less desirable than he. I am very foolish, perhaps, to refuse them; for they are infinitely better than I am—perhaps I may one day repent it. You know the proverb "He who will not," &c. But I cannot do otherwise. Recent events have created in me a sort of antipathy to men; I can have no connexion, no communication with any of them—I love and cherish sweet liberty alone, and wish to preserve it as long as I can.

"Dear Mariette, I conjure you, imitate my example, and never think of marrying. My mother and I forbid it, as long as her Royal Highness shall wish to keep you in her service. You can have no greater happiness. It is impossible! Beware of forming any attachment—you are too young—remain free. Be assured you will be a thousand times more happy.

"I do not recommend prudence to you, because I know you too well to distrust you; but although it may be said of me that I would die rather than abandon it for an instant, and deviate from the strict path of virtue, the most precious good we possess, yet I have known some persons suspect my conduct. But I have God and my own conscience for witnesses. Are they not sufficient for my peace? No one can deprive one of that. No, I have nothing to reproach myself with on that head, and you know therefore, I can give you such advice as you should follow, especially as it is also that of our mother.

"Dear sister, if you dare, place me at the feet of her Royal Highness, beseeching her to accept my humble respects; do not fail, I entreat you, when she speaks of me to endeavour to convince her my repentance is still the same; that I conjure her to restore me to her favour. Tell me if her Royal Highness is still so enraged against me, and if there is not any appearance of a pardon; but tell me always the truth. Try also to persuade her Royal Highness that I am, and always shall be so entirely

devoted to her, that no sacrifice I could make for her would appear too great, and that she may even dispose of my life, which shall for ever be consecrated to her service. Tell the Baron, also, that I am very sensible of his remembrance, and beg him to accept the assurance of my perfect acknowledgment. Embrace for me the charming Victorina; repeat also my thanks to the Count, and assure him I shall never forget his kindness. Remember me to the Countess, Madame Livia, and Mr William, begging them to receive the assurance of my sincere friendship.

"If I were to tell you all those who send you salutations, I should want two more pages, for every one is interested for you, and they never cease to wish for your happiness. Believe, however, the most sincere wishes are made by us.

"You will tell Mr. Hieronymus that John is quite well, and that Mr. ——— is very well pleased with him in all respects. His board is not paid for, and tell Mr. Hieronymus, on the receipt of his letter, I beg he will immediately send an order to ——— for six months' pay, and address it to me. He must not delay, for I have no money.

"You will not do wrong if you send me at the same time, the two Napoleons, to make up the twenty-five, if you can. It is I who send you the gown, instead of lace; you should trim it with muslin. Make my compliments to Mr. Hieronymus, and tell him the first time I write again, I will give him more particulars respecting his son, because I hope to have more room. I wish very much to know how ink is made with that powder which he gave me; and what he has done with the two pictures I sent him at the Villa d'Este.

"Adieu, dear and good sister. We embrace you cordially. A reply at once, if you please.—Your sister.

"*8th February*, 1812. "LOUISA DUMONT.

"A Mademoiselle Mademoiselle Mariette Bron, a Pesaro."

The following letter was then read in the same manner with the former:

Translation of a Letter from Mademoiselle DUMONT *to the* QUEEN, *dated 10th November*, 1817.

"It is on my knees that I write to my generous benefactress

beseeching her *to pardon my* boldness, but I cannot resist my feelings. *Besides, I am convinced that if* her Royal Highness knew the *frightful* state into which I *am plunged*, she would not be offended at my temerity. My spirits cannot support my misfortune; I am overwhelmed by it, and I am more than persuaded I shall sink under it. I feel a dreadful weakness; a mortal inquietude consumes me internally, and I do not feel one moment of tranquillity. A crowd of reflections "on the past goodness of her Royal Highness," and "on my apparent ingratitude," overwhelm me. May her Royal Highness deign to take pity on me; may she deign to restore me to her precious favour, which I have unhappily lost by the most deadly imprudence; may I receive that soft assurance before I die of grief; she alone can restore me to life.

"*I dare again to conjure, to supplicate, the clemency* and compassion of her Royal Highness, that she will grant me the extreme favour of destroying those two fatal letters; to know that they are in the hands of her Royal Highness, and that they will constantly bear testimony against my past conduct, kills me. The aversion which I have merited on the part of her Royal Highness, instead of diminishing, would be increased by reading them.

"I permit myself to assure your Royal *Highness, that it* is only the granting *of these two favours which can preserve my life*, and restore to me that repose which I have lost. My fault, it is true, is very great and irreparable, but love is blind. How many faults has he *not caused even* the greatest men to commit. I dare flatter myself this is a strong reason why her Royal Highness should condescend to grant me the two favours which I take the liberty of asking her.

"I allow myself to recommend to the favour and protection of her Royal Highness my sister Mariette, and also her who is in Switzerland. Her Royal Highness gave me to understand that perhaps, she might be allowed to supply my place. The hope of this alleviated my distress. It would be an act of charity, for my sisters have only moderate fortunes, and in our small poor country they are not to be acquired. I am certain

her Royal Highness would have no cause to repent her great goodness and extreme kindness towards a young girl who has always gained the esteem and friendship of all to whom she has been personally known.

"I cannot sufficiently thank her Royal Highness and the Baron for their kindness in sending Ferdinand to accompany me; he has paid me all the attention, and taken all the care of me imaginable; I know not how to acknowledge so many benefits, but I will endeavour by my future conduct to merit them, and to regain the favourable opinion which her Royal Highness entertained for me during the days of my good fortune.

"It is with sentiments of the most entire submission, and the most perfect devotion, that I have the honour to be, her Royal Highness's most obedient servant.

"*Rimini, 16th Nov.* 1817. LOUISA DUMONT."

Answer this, and explain as you please after. Did you not receive a letter from an unknown person, saying you should go to London? I received a letter, which said to me, if I'd go to London, I should be placed as a governess, if I were provided with letters of recommendation.

Have you any thing to add to that? Yes, I wish to go back to the time when I was dismissed from her Royal Highness's service. In the evening I was dismissed from her Royal Highness: I was to start on the following morning, and M. Bergami came into my room and said—

That her Royal Highness wished to dismiss my sister on my account. I said I was sorry for that, as my sister having no fortune, could not live at home. I begged of M. Bergami to speak to the Princess in order to keep my sister; he promised to do so, and at the same time advised me to write a letter to her Royal Highness, because she was much offended against me, to recommend my sister, and ask her pardon. I wrote a letter at Pesaro, and the following morning I parted. At the same time, my sister recommended to me to write nothing that could prejudice or hurt her. I promised, on the contrary, I would do every thing that could make her keep her place. I wrote

also from Rimini, and to my sister at several other times. I always spoke much in favour of her Royal Highness, because I knew they'd be intercepted. At the same time, that I wrote my sister that letter, I formed the idea of quitting Switzerland, and coming over to England. At the same time, I received information to set off, I was told that I could be placed out as a governess, if I had letters of recommendation. At the same time, being afraid her Royal Highness would dismiss my sister, I wrote to my sister, and dared not write freely for fear it would be seen. I said to my sister, what was read was only to let her know, if she was dismissed there, I would find means of placing her here, and pay her journey. If I wrote again to her she feared the Princess would read the letter, and I wished to convince her Royal Highness I would say nothing against her, even in England. In several private conversations, although many questions were put to me, I avoided saying what took place at the house. These are my reasons for writing that letter to my sister.

Mr. Williams. Ask her if she has given a full explanation?

I have said so to my sister to pay the journey. The reference to the banker is to say, that I wish to take the money now with my guardian, and place it here. They told me the interest would be double. If I had some of it here for myself, or my sister, I could make use of it.

Ask her if she has any more last words—any further explanation? No further.

Don't let her be in a hurry; let her take her time; now, any further explanation to give? (After a pause) I wish by that to convince the Princess, though I shall have questions put to me, money would not tempt me.

Now have you any other explanation? I am to say also that I felt a great degree of attachment to her Royal Highness, for her great kindness to me while in her house.

Any more? I can't remember entirely all. I saw the letter last night; I saw two letters; only saw the date of

that from Colombier. I made no observations on the other.

What does she mean by the Capital of Europe in that letter? It is so long since I wrote that letter, that I cannot recal what I meant.

Well, having heard that letter read in French and in English, don't you know what you meant by the Capital of Europe? It is impossible for me, at such a distance of time, to recollect what I meant by all the words. It is so long since I cannot recollect.

Do you mean to say that after having heard the letter read in French and English, you do not know what it meant? After such a length of time I cannot recollect.

Then you do not know what you meant by the Capital of Europe? I do not recollect, it is so long since.

I again ask, what place do you mean to describe by the Capital of Europe? I cannot recal to my mind what I meant, but that expression I write sometimes in a double sense; I sometimes call Colombier and Lausanne the Capital of Europe in a joke.

What! call Colombier the Capital of Europe? Yes, sometimes in joke when writing to my friends.

And you then meant Colombier? I don't know now.

You say in your letter you wanted money, is it true or not? I might not have money at home, but I could have got some by writing to my guardian.

Did you want money or not? I do not recollect I had money at home, but I could have got it from my guardian. Perhaps I had money at home.

Do you mean to say that you were supported by your father and mother after you were in the service of the Princess? I paid my board to my parents for my maintenance.

And you were not assisted in money all the time? I do not recollect that any one lent me money, nor gave me any.

You have a sister named Mariette? Yes.

You were always much attached to her? Yes.

And you wanted her to go into the service of the Princess? Yes; because she had often spoke to me to get her into a situation, and she wished to travel.

What age was your sister then? Nineteen years.

What line of life is your step-father in at Colombier? A farmer.

Does he farm his own estate? He has a small domain which he cultivates himself.

Is he in tolerable circumstances? He works on the farm, and also my mother.

He maintains himself by his daily labour? Yes.

He lives in a small cottage? Yes, a small house.

He has a family living with him? My mother and two daughters.

Luigi Cardini, the 12th witness, was then called, and deposed in substance, that he was a Mason and worked for Guigasi, the master of the works to the Princess; that he one day wanted orders from his master, and went to seek him in the Villa d'Este, where he was at work. He entered some rooms in search of him, and in opening one of the doors, he saw the Princess and Bergami sitting on a sofa; the Princess's neck and breasts uncovered, and Bergami with his hands, or one hand, placed upon them. They were embracing. He hastily shut the door and retired, Bergami exclaiming after him, "Son of a dog, what do you want." Witness had been examined at Milan by Vimircati, in the presence of Colonel Brown. Had gone to Milan, on the invitation of Rastelli.

Alessandro Pinetti, an ornamental painter, the 13th witness, being next called, deposed to the general state of familiarity in which Bergami and the Princess lived; he had frequently seen them embrace; their faces did not touch, because the Queen was shorter than Bergami; he had seen them kiss, but nothing more, and this but once.

Dominico Bruza, another mason, and the fourteenth witness, deposed only to the same effect; namely, to their embracing and kissing.

Antonio Bianchi, an inhabitant of Como, and the fifteenth witness, deposed, that he had seen Bergami and the Princess in a boat together on the Brescia, and in that part of it where people usually bathe; he believed the Princess had a bathing dress on, and was bathing, but could not positively swear, as he saw them at a distance.

Giovanni Lusine, the seventeenth witness, deposed to general familiarities, such as walking together, and Carlo Ratagi, the 18th witness, deposed that he was a confectioner, and had seen the Queen and Bergami eat off the same plate, and take delicate morsels from the plates of each other, and put into their mouths. The Queen had a nightingale; witness one day entered to feed it, and saw Bergami and the Queen kissing each other.

Francisco Cassino, the nineteenth witness, deposed that he was a mason, and had been employed in making a door *in the apartments of Bergami, for the benefit of an easier and more private communication with the chamber of the Queen.*

Rastelli, the twentieth witness, was then called, and deposed in substance, that he was an under-servant of the Princess at Como, and accompanied her on her journey. He accompanied her on one journey towards Parma; he approached the carriage suddenly to ask for orders, and saw the Princess's hand in the small-clothes of Bergami; he repeatedly saw them on other occasions kiss each other. Victorine always called *the Princess mamma, and the* Princess called her my little daughter. Witness on his cross-examination acknowledged to have been employed by the Milan Commission to bring up witnesses against the Princess; he was in constant communication with Colonel Brown and Vimiracti, but did not EXPECT AN REWARD. *The whole of this witness's* ce produ

an impression upon the house very unfavourable to his own credit,

Giuseppe Galli, the twenty-first witness, deposed, that he was a waiter at an inn, half-way between Como and Milan, and remembers the Princess and Bergami coming frequently there; they demeaned themselves in every respect as man and wife, and eat off each other's plates: he saw them alone, and they were then kissing each other. They quitted the inn in a carabon, a carriage in which you sit as on the back of a horse; namely, one rides aside and the other as on a pillion. The Queen and Bergami returned to Como in that way. In his cross-examination witness acknowledged that he had been examined at Milan before Vimircati and Colonel Brown, and had been brought to Milan by Rastelli.

Giuseppe Delario, a baker, and the twenty-second witness, deposed, that he had seen Bergami and the Princess sitting in an arbour in a garden, Bergami embracing and kissing the Princess; and when Bergami rose to go, the Princess pulled him gently backwards by the skirt of his coat; Bergami then sat down, and resumed "making love to the Princess, kissing and embracing."

Giuseppe Rugiasi, the twenty-third witness, deposed, that he had frequently attended with the Queen and Bergami, to row them in a boat on the Lake of Como, and that he had then seen them kiss each other repeatedly. In his cross-examination he said that there were ten other boatmen with them at the time, and that he supposed they must likewise have seen them kissing: but neither he nor they made any observation upon it at the time nor afterwards. He first mentioned it on going to Milan, where he was persuaded to go by Rastelli, but not from any hopes of reward. He *expected nothing*, (all the witnesses, indeed, made a similar assertion, and thereby greatly enfeebled their respective credibility, it being evident to the house, that they had all come forward from the hope of an ample reward; and this circumstance, indeed,

not being of itself a good objection to their testimony, had the motive not been so uniformly denied, and *upon oath.*) This witness further deposed, that he had been employed upon one occasion to clear the table at the Villa d'Este, and that the Princess and Bergami had then retired to the Princess's chamber and locked themselves within it. He had never mentioned this for three years, till he went to Milan: some one else was assisting him as waiter at the time, but he did not mention the circumstance to him, nor he to witness: they had their own business to mind, &c. This evidence was received with manifest disgust by the Lords.

Giuseppe Sacchi, the twenty-fourth witness, was then called, and deposed in substance, that he had entered the service of the Princess as a courier, at Como, in November, 1816, and had been afterwards promoted to the place of equerry; that he one day brought an express to the Princess from the Duchess of Parma; that he delivered it to the Princess at dinner; that she read it, and deposited it on the table, and that then Bergami, who was dining *with her, took it up and read it, without asking leave.* On another occasion witness brought a dispatch from the Governor of Milan, and went to deliver it to Bergami in his chamber; Bergami was not there, but before witness left the room, Bergami came out in his shirt from the Princess's chamber: witness frequently saw Bergami and the Princess together, walking arm-in-arm. He was with the Princess at the Barona, where many balls were given, which were attended by all the low people in the neighbourhood, and by none of the Milanese nobility and gentry. The gentlemen used to take the young girls out of the ball-room, and then used every freedom with them: such freedoms as men use with loose women. The Princess said to witness on one occasion, "I know, rogue, you are too well acquainted with these girls to call them virgins; you have been in bed with at least three of them"

and Bergami *then* laughed and said "it is true, it is true." The Princess talked freely with these girls. The Princess would sometimes point them out, and say, "there is no fear for the population of the Barona." Witness remembered the Queen and Bergami travelling in Germany in a vis-a-vis, and their going on before their suite. They always slept in contiguous chambers, and witness frequently saw *them sitting*, or *lying*, on the same bed, but with their clothes on. Witness had repeatedly seen Bergami and the Princess in the chamber of each other, almost invariably so, as if they were man and wife; no difference whatever, except that he had never seen them together naked and in bed. Witness saw Bergami come forth from his own chamber at *midnight, and enter the* chamber of the Princess. *In travelling from Rome to Senegaglia, witness was in the habit of going up to the* carriage of the Queen, *to* receive orders; repeatedly on these occasions he found Bergami and the Queen asleep in the arms of each other; their hands and their positions were on these occasions the most indecent that can be imagined, *too indecent for* description. In his cross-examination, witness deposed, *that* he was known by the name of Sacchini, and Milani, as well as by *that* of Sacchi; *that he was now in the service* of the Rev. Phillip Godfrey, at Aston, near Stevenage; *that* he had always told the same story, as well before his examination at Milan as afterwards: *that* he had always said he came over in the service of a Spanish family. But that it was not true that he did come over in that service; it was only assumed for disguise. Witness told Speratti, an Italian acquaintance of his master's, that his real name was Sacchi: witness did not know, *could not remember*, whether he had ever applied or not to be taken back into the service of the Princess; possibly he had. He had gone by other names than those of Milani, Sacchi, and Sacchini; he implored the house not *to* compel *him to* an avowal

of the name by which he was known, lest he should be thereby exposed to popular fury. He had been at Colombier with Mademoiselle Dumont; his business there was to bring her up as a witness against the Queen. He had received several considerable sums, in payment for his services as a witness; but he considered these sums to be only a compensation for his time and trouble, and nothing in the shape of reward. He had no hopes of reward; *that* was not his inducement in coming forward; he could not say why he came forward. The Queen had always been an excellent mistress to him. He was well acquainted with the Marietti's: one of them had a house of business in London, the other in Milan: when witness called on Marietti in London, he told him he was going to be a witness against the Queen, upon which Marietti endeavoured to dissuade him, but witness would not be dissuaded; witness had been an officer in the Italian army, but was not now one; he had been discharged from the service of the Princess in consequence of a dispute with the confectioner. On coming to London, first, he lived at La Sablionerre's hotel, in Leicester Square; then in Arundel Street; then, in consequence of ill health, went to live at Mr. Godfrey's, at Acton, near Stevenage. Witness could not say in what carriage the Princess and Bergami were riding when the indecent scene occurred of which he had before given evidence. *He could not say whether there were other persons in the carriage or not, when he saw what he then saw.* (This answer excited an expression of surprise and discredit in the Lords.) Bergami and the Princess were asleep when this scene occurred; witness did not wake them.

Robert Hare, a partner in Coutts's house, was then called to prove the hand-writing of her Royal Highness to a certificate of Sacchi's character, given upon his discharge. It acknowledged his honesty and fidelity, and assigned economy as the cause of his discharge.

Theodore Majocchi was then called again.

Being cross-examined, he deposed *that* he *knew* one *Gavazzi,* living in Greville Street, *Hatton Garden; that* he had dined once or twice with him, upon which occasion witness shewed Gavazzi a dispatch which witness was *to carry to* Lord Steward, and that he showed him at the same time a large handful of Napoleons, which he had received to bear the expences of his journey. He thought there might be about 80 or more: *it* was about the *time* of the King's death. (Witness being next asked if he knew a person of the name of Gozetti, equivocated, and eluded the question, through a series of answers, but at length with acknowledging that he knew him, answered all questions, *as if he did know him.*) *He remembered that this Gozetti took him to several large houses, where he (witness) had it in commission to deliver letters. Amongst others he went to the King's Palace at Carlton* House. (He was only brought to make this confession through a long series of questions.) His other answers were rather ludicrous than to the point on the trial; in answer *to a question, whether he knew a Mrs. Blackwell,* and did not want to marry her, he replied, yes, and every woman in the house; I wanted to marry them all. The character of this witness may be stated in a word, he appeared to be a compound of knavery, ingratitude, low-cunning, and stupidity; he occasionally answered with a ludicrous anger and ferocity.

The evidence of the prosecution being thus terminated, the Solicitor-General recapitulated its principal points; and upon the conclusion of this recapitulatory speech, the house, after some debates upon the point of form and precedent, adjourned from September 9th, (when its debates were concluded) to October 3d, when Mr. Brougham commenced his speech in defence of Her Majesty.

SPEECH,

&c. &c.

Counsel were then ordered to be called in, and the barristers and solicitors on each side entered and advanced to the bar.

Mr. Brougham began to address their lordships in a very low tone of voice: it was with difficulty he could at first be heard, but, as far as we could collect, he spoke to the following effect:—The time had now arrived when it became his duty to address himself to their lordships in defence of his illustrious client. But when the moment which he had so anxiously desired had at length come, he felt the greatest alarm. It was not, however, the august presence of that assembly which oppressed him, for he had often experienced its indulgence; neither was it the novelty of the proceedings that embarrassed him, for to novelty the mind gradually gets accustomed, and becomes at length reconciled to the most extraordinary deviations; nor was it even the great importance and magnitude of the cause he had to defend which perplexed him, for he was borne up in his task with that conviction of its justice, and of the innocence of his illustrious client, which he shared in common with all mankind. But it was even that very conviction which alarmed him—it was the feeling that it operated so zealously and so rightly which now dismayed him, and made him appear before their lordships impressed with the fear that injustice might be done to the case by his unworthy mode of handling it. While, however, other counsel have trembled for fear of guilt in a client, or have been chilled by indifference, or have had to dread the weight of public opinion against them, he had none of these disadvantages to apprehend. Public opinion had already decided on the case, and he had nothing to fear but the consequences of perjury. The apprehension which oppressed him was, that his feeble exertions might have the effect

of casting, for the first time, this great cause *into doubt*, and *turning* against him the reproaches of those millions of his countrymen *now jealously* watching the result of these proceedings, and who might perhaps impute it to him, if their lordships should reverse that judgment which they had already pronounced upon the charges in the present state of the case. In this situation, with all the time which their lordships had afforded him for reflection, it was difficult for him to compose his mind to the proper discharge of his professional duty; *for he was still weighed down with the sense of the heavy responsibility of the task he had undertaken.* He must also observe, that it was no light addition to the anxiety of his feeling *to foresee* that, before these proceedings closed, it might be his unexampled lot to act in a way *which might* appear inconsistent with the duty of a good subject—to state what *might* make some call in question his loyalty, though that was not what he anticipated from their lordships. He would now remind their lordships that his illustrious client, then Caroline of Brunswick, arrived in this country in the year 1795; she was the niece of the sovereign, and the intended consort of the heir-apparent, and was herself not far removed from the succession to the crown. But he now went back to that period solely for the purpose of passing over all that had elapsed from her arrival until her departure in 1814: *and he rejoiced that the most faithful discharge of his duty permitted him to take this course. But he could not do this without pausing for a moment* to vindicate himself against an imputation to which he might not unnaturally be exposed in consequence of the course which he pursued, and to assure their lordships that the cause of the Queen, as it appeared in evidence, did not require recrimination at present. The evidence against her Majesty, he felt, did not now call upon him to utter one whisper against the conduct of her illustrious consort, and he solemnly assured their lordships that but for that conviction his lips would not at that time be closed. In this discretionary exercise of his duty, *in postponing the case which he possessed, their lordships must know that he was waving a right which belonged to him, and abstaining* from the use of materials which were unquestionably his own. If, however, he should hereafter think it advisable to exercise this right—if he should think it necessary to avail himself of means which he at present declined using—let it not be vainly supposed that he, or even the youngest member in the profession, would hesitate to resort to such a course, and fearlessly perform his duty. He had before stated to their lordships—but surely of that it was scarcely necessary to remind them—that an advocate, in the discharge of his duty, knows but *one person* in all the world, and that person is his client. To save that client by all means and expedients, and at all hazards and costs to other persons, and, among them, to himself, is his first and only duty; and in performing this duty he must not regard the alarm, the torments, the destruction which he may bring upon others. Separating the duty of a patriot from that of an advocate, he must go on reckless of consequences, though it should be his unhappy fate to involve his country in confusion. He felt, however, that, were he now to enter on the branch of his case to which he had alluded, he should seem *to quit the* higher ground

of innocence on which he was proud to stand. He would seem to seek justify, not to resist the charges, and plead not guilty—to acknowledge a extenuate offences, levities, and indiscretions, the very least of which he ca there to deny. For it was foul and false to say, as some of those who, und pretence of their duty to God, forgot their duty to their fellow-creature had dared to say, and they knew it to be false and foul when they asserte it—that any improprieties were admitted to have been proved against th Queen. He denied that any indiscretions were admitted. He contende not only that the evidence did not prove them, but that it disproved them. One admission he did make; and let the learned counsel who supported the bill take it, and make the most they could of it, for it was the only admission that would be made to them. He granted that her Majesty had left this country for Italy; he granted that while abroad she had moved in society chiefly foreign, inferior probably to that which, under happier circumstances, she had known—and very different, certainly, from that which she had previously enjoyed in this country. He admitted, that when the Queen was here, and happy, not, indeed, in the protection of her own family, but in the friendship of their lordships and their families, that she moved in more choice and dignified society than any in which she has since had the good fortune to be placed. The charge against her was—that she went to Italy, and that, instead of associating with the peers and peeresses of England, she took to her society only foreigners. He fully admitted that her Majesty had been under the necessity of associating with Italian nobility, and sometimes with the commonalty of that country. But who are they that bring this charge? Others might blame her Majesty for going abroad—others might say that she had experienced the consequences of leaving this country and associating with foreigners; but it was not for their lordships to make this charge. They were the very last persons who should fling this at the Queen, for they who now presumed to sit as her judges were the very witnesses she must call to acquit her of this charge. They were, in fact, not only the witnesses to acquit but had been the cause of this single admitted fact. While her Majesty resided in this country she courteously threw open her doors to the peers of England and their families. She graciously condescended to court their society, and, as long as it suited certain purposes which were not hers; as long as it served interests in which she had no concern—as long as she could be made subservient to the ambitious views of others—she did not court in vain. But when a change took place—when those interests were to be retained which she had been made the instrument of grasping—when that lust of power and place to which she was doomed to fall a victim had been satisfied—then in vain did she open her doors to their lordships and their families; then it was that those whom she had hitherto condescended to court—and it was no humiliation to court the first society in the world—abandoned her. Her Majesty was then reduced to the alternative of begging society in this country as a favour, or of leaving it. She could not, by humbling herself, have obtained the society of British peeresses, and must have sought that of other classes, or gone abroad. Such,

then, being the circumstances, it was not in the presence of their lordships that he expected to hear the Queen reproached for going abroad. It was not here that he had thought any one would have dared to lift up his voice, and make it a topic of censure that the Princess of Wales had associated with foreigners—with some whom, perhaps, she might say she would not, and ought not have chosen under other and happier circumstances. Up to this period her Majesty had still one pleasure left. She enjoyed, not indeed the society, but the affection and grateful respect of her beloved daughter. An event, of all things most grateful to a mother's feelings, soon after took place—the marriage of her beloved daughter. Of this event her Majesty received no announcement. Though all England was looking towards the approaching event with the deep interest it was so well calculated to excite—though all Europe was looking at it with the liveliest feelings, and with all the knowledge of the interesting event which was about to take place—still there was one person, and one only, left in ignorance of the whole proceeding, and that solitary individual was the mother of the bride. All that she had done up to that time to deserve this treatment was, that she had been charged, and afterwards acquitted, of an alleged crime, and her perjured persecutors rendered infamous; and this treatment she received from his Majesty's servants, some of whom had risen in power by having made her a tool to promote their own interests. The Queen heard of the event of the approaching marriage of her only child accidentally; she heard it from a courier, who was going from this country charged with a notification of it to his Holiness the Pope—that ancient, intimate, and much-valued ally of the Protestant Crown of England. The marriage of her daughter took place; it excited the sensations which it was so well calculated to produce, as the promised source of so much happiness to the Royal Family and the nation. The whole of that period passed without the slightest communication being made to the Queen. The period of the Princess Charlotte's *accouchement* arrived; her mother was then fearful of opening a communication upon the subject, knowing the agitation it might create in the mind of her beloved daughter. She knew at such a moment the perilous results that might follow to the beloved object of her maternal solicitude, were she at that period to create any agitation in her mind upon a topic, which might expose her to a quarrel with power and authority on the one hand, or combat her peace and affection on the other. An event followed which destroyed for ever the hopes of the country—an event which filled all England with grief and sorrow, and with a mourning in which all their foreign neighbours unaffectedly sympathized. With a due regard for the sympathy of foreign powers, the sad tidings were rapidly conveyed to each of the allies of Great Britain, to every power and state connected with her, and to some that were not. But to the Queen, again, no communication was made. She who, of all the world, had the deepest interest in the event—she whose feelings must necessarily be, of all mankind, the most overwhelmed and stunned by the awful communication, in any manner in which it could be made—was left to be so stunned and overwhelmed by hearing by accident of the death of her

daughter, as she had by accident heard before of her marriage. If she had not heard the dreadful news by accident, she would ere long have felt its occurrence; for the death of the deceased daughter was soon conveyed to the agonized mother by the issuing of the Milan commission, and the commencement of that process against her honour, station, and character. How wretched was not the lot of this lady, as displayed in all the events of her chequered life! It was always her sad fate to lose her best stay, her strongest and surest protector, when danger threatened her; and, by a coincidence most miraculous in her eventful history, not one of her intrepid defenders was ever withdrawn from her, without that loss being the immediate signal for the renewal of momentous attacks upon her honour and her life. Mr. Pitt, who had been her constant friend and protector, died in 1806. A few weeks after that event took place, the first attack was levelled at her. Mr. Pitt left her as a legacy to Mr. Perceval, who became her best, her most undaunted and firmest protector. But no sooner had the hand of an assassin laid prostrate that Minister, than her Royal Highness felt the force of the blow by the commencement of a renewed attack, though she had but just been borne through the last by Mr. Perceval's skilful and powerful defence of her character. Mr. Whitbread then undertook her protection, but soon that melancholy catastrophe happened which all good men of every political party in the state, he believed, sincerely and universally lamented: then came with Mr. Whitbread's dreadful loss, the murmuring of that storm which was so soon to burst with all its tempestuous fury upon her hapless and devoted head. Her daughter still lived, and was her friend; her enemies were afraid to strike, for they, in the wisdom of the world, worshipped the rising sun. But when she lost that amiable and beloved daughter, she had no protector: her enemies had nothing to dread; innocent or guilty, there was no hope, and she yielded to the entreaty of those who advised her residence out of this country. Who, indeed, could love persecution so steadfastly, as to stay and brave its renewal and continuance, and harass the feelings of the only one she loved dearly, by combating such repeated attacks, which were still reiterated after the record of the fullest acquittal? It was, however, reserved for the Milan commission to concentrate and condense all the threatening clouds which were prepared to burst upon her ill-fated head; and, as if it were utterly impossible that the Queen could lose a single protector without the loss being instantaneously followed by the commencement of some important step against her, the same day which saw the remains of her venerable Sovereign entombed—of that beloved Sovereign who was from the outset her constant father and friend—that same sun which shone upon the Monarch's tomb, ushered into the palace of his illustrious son and successor one of the perjured witnesses who was brought over to depose against her Majesty's life. Why did he mention these melancholy facts to their lordships? Was it to illustrate the trite remark of the miserable subserviency of trading politicians? Was it to show that Spite was the twin-brother of Ingratitude, and that no favour could bind those whose nature was peevish and bad?—that favours conferred, only made base passions

more malignant against a benefactor? No; to dwell upon so trite a remark would indeed be futile and unnecessary in the presence of their lordships. But he said it to impress upon their lordships a deep sense of his own unworthiness to perform this duty to the Queen, an unfeigned consciousness of his inability to follow such powerful men as he had named, in the defence of this illustrious individual, and to assure their lordships how deeply sensible he was of his want of power to make for his illustrious client that conclusive and irresistible defence on this occasion, which, were they alive and filling their wonted duty, they would not fail to do, to the utter discomfiture of her Majesty's enemies. Before he proceeded further in the results to which he was prepared to contend the details of the evidence in this case must lead, he must beg to call their lordships' attention to what that evidence did not do. He meant to point out the parts of his learned friend the Attorney-General's opening statement, which, instead of receiving support from the evidence, were either not touched upon by it at all, or actually negatived out of the mouths of his own witnesses. His learned friend should speak in his own words his statement of the plan and construction of his own case. It was most material also for them to bear in mind, that his learned friend was in his statement directed by the instructions which were put into his hands, for his speech ought, of course, to be considered as the mere transcript of his instructions, the mere outline of the documents submitted to him—documents prepared too in a way which nobody need be at any loss to guess. His learned friend, nearly in his commencement, used these words—"I will most conscientiously take care to state nothing which in my conscience I do not think—I do not believe—I shall be able to substantiate by proof." He need not have so strongly appealed to his conscience, for he (Mr. Brougham) fully believed him when he said he spoke from his instructions; he readily believed that he spoke from his brief, and said nothing else but what he found in his brief. He believed that, at the time his learned friend made his opening statement; he equally believed it now, when he had failed in substantiating that statement by proof. He knew full well that there was no other way for that statement to have got into his learned friend's brief but out of the mouths of the witnesses, who at first had not hesitated to garnish their stories, though they were not afterwards found hardy enough to adhere to their falsehoods when brought to their lordships' bar. When they came to the point, they were scared from their first statements. He would read a few samples of the difference between the Attorney-General's statement and his subsequent evidence, for the purpose of showing the value at which their lordships ought to estimate that evidence. In the first, his learned friend had pledged himself that the evidence of her Majesty's alleged impropriety of conduct would be brought down almost to the present time; but subsequently he did not attempt so to bring it down during any part of the last three years, that is to say, during a space of time exactly equal to the other space over which his evidence actually adduced extended. Here he begged leave to revert to the following pas-

sages of the Attorney-General's opening statement, which he took from the short-hand writer's notes:—"On the arrival of her Majesty's suite at Naples, it was so arranged that her Majesty's sleeping-room was at an opposite side of the house to that of her menial domestics, among whom was her courier. On the first night of her Majesty's arrival at Naples (the 8th Nov.), to which he had called their lordships' attention, this arrangement was continued. Bergami slept in that part of the house which had been prepared for the domestics, and young Austin slept in her Majesty's apartment. But on the following morning, November the 9th, the servants of the establishment learned with some surprise, because no reason appeared to them for the change, that Bergami was no longer to sleep in that part of the house where he had slept the night preceding; but that it was her Majesty's pleasure that he should sleep in a room from which there was a free communication with that of her Majesty, by means of a corridor or passage." "Upon the evening of the 9th of November her Majesty went to the Opera at Naples, but it was observed that she returned home at a very early hour. The person who waited upon her, on her return, was the maid-servant whose duty it was particularly to attend to her bedroom." "The female servant retired; but not without those suspicions which the circumstances he had mentioned were calculated to excite in the mind of any individual. She knew, at the time, that Bergami was in his bedroom, for this was the first night of his having taken advantage of the arrangement which had been previously made. It was quite new, on the part of the Princess, to dismiss her attendants so abruptly; and when her conduct and demeanour were considered, suspicions arose which it was impossible to exclude. But if suspicions were excited then, how were they confirmed on the following morning? If I prove (said the Attorney General) by evidence at your lordships' bar what I am now going to state, I submit that there will then be before your lordships, evidence on which no jury would hesitate to decide, that adultery had that night been committed between this exalted person and her menial servant; for, upon the following morning, on observing the state of her room, it was evident that her Majesty had not slept in her own bed that night. Her bed remained in the same state as on the preceding evening, while the bed of the other person had, to those who saw it, clear and decisive marks of two persons having slept in it." Their lordships would perceive, that every one of these assertions in his learned friend's speech rose one above the [illegible]

[illegible]

[illegible] to prove, by evidence, but he actually negatived some of the most material of them by the witness whom he produced at the bar evidently for the purpose of substantiating them. When the witness De Mont was at the bar, he repeatedly asked her respecting these parts of his statement; but she who was destined to tell of them all, denied any knowledge of where the the Queen went on the particular night alluded to. She denied that she knew where the Queen went after she left her bedroom. When asked whe-

Brough.

ther the Queen *on that particular morning* rose at her usual hour, her answer, so far from confirming the opening statement, was affirmative of her Majesty having got up about her usual hour. Nor did she know of any body having called to pay visits in the course of that morning, though pointedly asked, for the purpose of speaking to all the facts so forcibly urged in the Attorney-General's statement. In the next place, when either the Attorney-General or his colleague, the Solicitor-General, spoke of the passing occurrences in Italy, they evidently spoke from their instructions, and not from any personal knowledge of their own upon the manners of the country; for symptoms of having ever been in Italy, they showed none. They had clearly never been there, or else they could not have spoken of the manners of Italy as they had done. For instance, see what they said about the masquerade and the Cassino, which was the sort of society from which Colonel Browne was lately ejected: "Who ever," said the Solicitor-General, "was seen for any proper purpose going to a masquerade in this sort of disguise?" What a pity that her Majesty did not, to suit the view of his learned friends, go to the masquerade in a state coach, with coachmen in splendid liveries, with lacquies bedizened out from head to foot, with all the pomp and show of state ceremony. What pity she did not, on such an occasion, adopt this suitable and becoming state paraphernalia, instead of quitting her house in a private coach, instead of going out through a back door. Why had she not the eyes of the world upon her when she went forth, *instead of quietly passing without pomp or show?* It was a wonder that his learned friend did not go on to say, "Why did she go in a domino and disguised cap to a masquerade?" Who ever heard of this disguise on such an occasion? How little did his learned friends know, when they talked in this manner, of the royal recreations of Murat's court! He would refer to another part of his learned friend's speech, where he said that "During her Majesty's residence at Naples another circumstance took place, to which it was his duty to call their lordships' attention. A masquerade was held at a theatre called, he believed, the Theatre of St. Charles. To this entertained her Majesty chose to go in a very extraordinary manner, accompanied, not by Lady Charlotte Lindsay or Lady Elizabeth Forbes, or even by any of the gentlemen of her suite, but by the courier Bergami and a femme de chambre of the name of De Mont. The dresses chosen by her Majesty for herself and her companions to appear in on this occasion were, as he was instructed, of a description so indecent as to attract the attention of the whole company, and to call forth marks of general disapprobation. Indeed, so strong was the disapprobation, that her Majesty, finding she was recognised, was under the necessity of withdrawing with her companions from the entertainment, and returning home." Now, what did Madame De Mont say, when called upon to describe this "most indecent and disgusting dress" of her Majesty? Why, all that the perseverance and ingenuity of his learned friend could extract from the witness (no very unwilling one) was, that the Princess, on that occasion, wore what she (De Mont) called "ugly masks;" for, strange as it might appear to his learned friends, she went to

the masquerade in a mask! Indeed, if she had not gone so, she would have had no business there. He should, he feared, greatly fatigue their lordships, were he to go over the whole of the numerous parts of his learned friend the Attorney-General's speech, which were left utterly unproved by the evidence. They would recollect that the Attorney-General stated he had evidence to prove that the Queen and Bergami were for a considerable time locked up together in a room at Messina in the night, and that the sound of kisses was heard from within: it now turned out, that only voices were heard, and of whom the witness could not say! It was also stated, that on the 12th of April—(for their lordships would observe his learned friend never forgot dates—his particularity was in this respect remarkable!)—on the 12th of April, at Sadonane, he had stated that the access to the Princess's room was through Bergami's, in which no bed was. But passing over this and a number of ineffectual attempts to obtain answers from De Mont, in conformity with the statement, he would recall their lordships' attention to the statement of the allegations which it was intended through Majochi to substantiate. His learned friend had said "that the Princess remained in Bergami's bedroom a considerable time, while he was sleeping there, and the witness then distinctly heard the sound of kissing." Now what did Majochi himself say in this part of his testimony? He distinctly said "that she *remained the first time about ten minutes, and at another time fifteen minutes*," and he only heard "whispering." Then, again, in Sacchi's evidence, who was the courier that brought the answer back to Milan, which he was to deliver to Bergami, by Bergami's own order, at whatever hour of the night he returned,—his learned friend stated, that the courier, (which courier was Sacchi,) on repairing to Bergami's bedroom, did not find him there, but soon after observed him coming from the direction of the Princess's room; and that Bergami then told him the cause of his being out of bed then was, having heard his child cry, and that he had gone to see what was the matter. But when Sacchi was brought to give his evidence, not a word of this came out in answer to the repeated questions put to him to elicit such a corroboration of the statement. Then came next in order the disgraceful scene which was represented to have occurred at the Barona, so disgraceful, that his learned friend declared it made the place in which it was transacted deserve rather the name of a brothel than of a palace. His learned friend asserted, when he gave it this designation, that he was prepared with the most entire and satisfactory proof to show, that so disgusting was the scene, the servants became shocked by what they were obliged to witness. Her Majesty, according to the Attorney-General, had become at this time deserted by all the English persons in her suite. These were the words of his learned friend —"It was certainly very singular, that on leaving Naples her Majesty was abandoned by the greater part of her English suite. Mr. St. Leger, it was true, had quitted her before; he left her at Brunswick, and he therefore admitted that no inference could be drawn from his case. But on her Majesty's departure from Naples, Lady Charlotte Lindsay and Lady Elizabeth Forbes were left behind. No, he begged pardon, Lady C. Lindsay did not leave the Queen until they were at Leghorn, in March, 1815.

At Naples, however, *Lady E. Forbes, Sir Wm. Gell, the Hon. Mr. Craven*, and Capt. Este, *certainly did separate from her. Thus, of the seven persons* who composed her Majesty's suite *when she left this country, no less than four left her in Naples*." But his learned friend *forgot that of these persons whom he so hastily* dismissed from her Majesty's service at Naples, *she was afterwards* joined by Lady Charlotte Lindsay. How did it happen, he would ask, *if the* Princess's servants had become so shocked at the occurrences at *the* Barona, that they *never* communicated their astonishment to the servants of Lady Charlotte Lindsay, *with whom they were in hourly* communication? Was it likely that such feeling, if it *pervaded the servants, would be kept as* a grave-like secret from first to last by those who were the depositaries of it? But, after Lady Charlotte Lindsay joined the Princess, Lord and Lady Glenbervie came, Lady Charlotte Campbell came, and others equally *honourable* and equally virtuous: and yet, notwithstanding the servants were, *as it were, astounded by the practices then occurring* at the Barona, there was not one whisper to the servants of the English personages *of rank who rejoined* her Royal Highness as part of her suite. These joined her Royal Highness after the scenes at the Barona; some met the Princess at Naples, some joined at Rome, others at Leghorn. Aye, at even much later periods her Majesty was attended by illustrious *company*. The Queen's company, in *fact*, became rather *improved than neglected, at the time alluded to.* She *was constantly received, and with suitable respect, after her return from* the long voyage. She was courteously *received* by the legitimate Sovereign of Baden, and the *still more* legitimate Bourbon of Palermo. She was courteously treated by the legitimate Stuarts of Sardinia, whose legitimacy stands contradistinguished from the illegitimacy of the family whose possession of the throne of these realms stands upon the basis of public liberty and public rights. She was received even by a Prince who ranks higher in point of legitimacy—the Bey of Tunis. (A laugh). She was also received with the same respect by the representative *of the* King at Constantinople. In fact, in all *those* countries she met with that reception which was *due to* her rank and consideration. *He trusted their lordships would suffer him now to* dwell *more minutely upon the statement* of the case as opened by the Attorney-General, and the case as proved by his learned friend. The case, as opened, it was of no little importance to dwell upon. Was it not marvellous to have such a case, and to be capable of adducing in support of it such witnesses? Was it not, in the next place, more marvellous to find that such a case was left so miserably short, *as it must be admitted* this case was left, *in* comparison between *the evidence and the opening* statement? In the ordinary cases of criminal conversation, the two very witnesses who, of all others were deemed of the utmost importance were the female's woman in attendance, and the man's body-servant or serving-man. These were the servants who must know the fact, *if* the criminal conversation took place. They had these witnesses here; they therefore had their case *under* the *most favourable auspices*—they had the man's valet, and the woman's maid. These, in an ordinary case, would be deemed conclusive witnesses. The man's servant was rarely to be had for the prosecution, from the nature and

manner of the action; but if counsel could get the female servant, they generally deemed their case proved. They had also, if their case were true, the very extraordinary, unaccountable, and unprecedented advantage of having parties to proceed against for the fact, who, from beginning to end, concealed no part of their conduct under the slightest or even most flimsy disguise. Throughout the whole of the proceedings these parties, knowing they were watched, discarded all schemes of secresy—showed an utter carelessness of the persons who were watching them—threw off all ordinary trammels—banished from their practice every suggestion of decorum and prudence—and, in fact, gave themselves up to the gratification and indulgence of their passion, with that warmth which is only found in the hey-dey of young blood, and with that utter indifference to reserve which marks the conduct of those who are joined together in those bonds which make the indulgence of their passion rather a virtue than a crime. There was no caution or circumspection here. If they believed any one part of the evidence relied upon by his learned friend the Solicitor-General, there was not only no caution used by the parties to prevent discovery, but every thing which the most malignant accuser could require to fortify his case was left open by the parties who were to suffer by the proof. He entreated their lordships to observe how every part of the case was left open to this remark; and, after having entreated them to bear it in mind, and apply it hereafter when they came to consider the evidence, he should simply observe, that just in proportion as the conduct became criminal, and of the most unquestionably atrocious nature and character, exactly in the same proportion would the parties be found to have taken especial care that, during their commission of the act, they had present, and seeing it, good witnesses to detect and expose them for their conduct. Thus it would be seen that they were sitting together in familiar proximity. The act is also seen with the addition of the lady's arm round the neck, or behind the back, of her paramour. When it is necessary to trace their conduct a step higher in the scale of criminality, and to exhibit the parties in such an attitude as to leave no room for explanation or equivocation, the act is done, not in a corner, apart from any scrutinizing eye, but in a villa filled by servants, and where hundreds of workmen are at the very time employed; and all this too is done, all this saluting is performed, in open day, and exposed to the general gaze. Especial pains are taken that the slander shall not be secret, but, on the contrary, that it shall be liable to the most widely-diffused publicity. It would not do that Bergami, upon his departure on a journey from the Queen, while in Sicily, should salute her Majesty before the servant entered the room. No; the exhibition of that act was reserved for the presence of a servant to tell it. The same was the case in the story about Terracina. All the parties were on deck; they could not take the salute in their own cabin; it must be delayed until Majocchi enters to witness it. Even the act of sitting on Bergami's knee upon the deck is adjusted in the presence of the crew and passengers. Care is taken that it shall be directly seen by at least eleven persons. The frequent and free saluting on the deck, which when committed

in a particular manner, must leave *little doubt of the subsisting intercourse between the parties*—even that must be done, *not at night, nor in the dark and privacy of the cabin*, but before every body, *and in open day. But* the case which their lordships were called upon to believe was not left *there*, for the parties were represented as having taken the indispensible *precaution of* granting even the last favours within the hearing of witnesses. *They were* described as habitually sleeping together in all their journies by land and *sea. She could not* even retire to change her dress but Bergami must *attend* in the dressing-room—first, of course, the parties taking care to have a witness *present to speak to the fact*. He could not dwell with calmness upon the representation of these disgusting scenes, with the peculiar features of enormity which were attached to them, without *repeating*, that exactly in proportion as they partook of the most aggravated character, and denoted an utter contamination of the mind, precisely in that extent were *increased* pains taken that they should *not* be done in a corner. No hidden places or recesses were *selected* or chosen by the parties for the free and safe indulgence of their passion from the prying eyes of those about them. They sought no secluded chamber in those *places of abomination* so well known upon the Continent, and which are degraded under the dignified name of palaces. The parties took no *opportunity* of *seeking* those hidden haunts of lust which might have been so hastily found. They sought no island among *those which* were the seat of such scenes in the times of antiquity, when society was less scrupulous of the conduct of its members than now. They sought no haunts among the Capreæ of old, to revive in them those lascivious acts of which they were the ancient scene. They acted, on the contrary, before witnesses—they conducted themselves in open day-light, in the face of couriers, servants, and passengers. Was such folly ever known before in the history of human acts? Was ever *folly so extravagant disclosed in the* most unthinking acts of that *youthful period when the blood boils in* the *veins? Was ever, even then, in that proverbial period of* thoughtless levity, a being so recklessly insane as to have acted in this manner? There never was, he believed, such *an instance in the history of human* passions. The conduct of the parties did not stop here; for, lest the witnesses who saw the acts might not easily be forthcoming for the enemies of the accused, they were every one of them discarded by the person who was to be the victim of their testimony. They were successively dismissed either for cause or without it—indeed, he might say, most of them without it, for the cause stated was of the flimsiest kind. This dismissal was followed by a positive refusal to take them back, *when every human inducement would* have prompted the Queen to have permitted their return, if she had any reason to dread their resentment. Each of the witnesses who had to perform a part in the Italian *drama was successively dismissed*, and this at a time when the Queen was aware of the proceedings that were pending against her, and of course was interested in whatever testimony they had to give. But was this all that the Queen had done to show her utter [illegible] r the efforts of her accusers? Did she not face them, when s[illegible] easily and ho-

doubtably avoided their malice? When that opportunity was afforded her Majesty, she was counselled and implored to pause and reflect upon the opportunity then offered to her—she was warned to consider before she faced her enemies—she was entreated to bethink herself well before she ran into her case: and what had been her conduct? Her instant determination was to come here to England without delay, and confront her enemies. Up to the last moment her conduct displayed the same magnanimity; up to the last moment she refused the offer of a magnificent retreat, which would have enabled her not only to indulge whatever propensities she pleased without control, but even to move abroad with the safeguard and vindication of her honour formally pronounced by the two houses of Parliament. If this were the conduct of guilt, then all he could say was, that it was the most extraordinary instance of its display which he had ever heard or read of. If these were the means to which vice adhered, then he could only say, they were not to be traced to any known spring of human action. With respect to the manner in which the proof of the case had been left, he was bound to remark, that it was left in such a manner as would be deemed fatal in any ordinary case. Such a statement was unparalleled. Nothing could be more distant from his intention than to ascribe a motive too like that motive which was commonly attributed on the other side. Far was it from him to attribute the formation of a conspiracy against the life or dignity of the Queen to any individuals, however high in rank or notorious in power; but if an irregular course had been pursued, to whose account was that irregularity to be laid? On the contrary, all the specimens of their forthcoming evidence were, as far as already admitted or understood, altogether equivocal and ambiguous. Well might their lordships cordially agree to this measure, if they looked not to after-consequences. He would not say that it was a conspiracy against her Majesty; but he would say that no set of conspirators (be they who they might) could have marked out a common story answerable to their purpose other than that which had been pursued through the entire preparations of the business. They could not do better than get rid of this bill of pains and penalties. Their lordships would, of course, look to the evidence, and examine and sift it, as to its solid worth, long before they could form a disposition (to say nothing of judgment), independent of what had appeared in evidence at their own bar. Now, then, when he ventured to allude to what was called on the other side, minute and circumstantial evidence—when he approached that subject of all delicacy—these points on which the Attorney-General seemed to feel so sore—on the first blush of such evidence; let the merits of this evidence be fairly discussed, let it be examined, let the whole matter be fairly canvassed. But if it were possible that a grave and serious design were accidentally formed amongst any set of individuals; if it were

how then would their lordships be disposed to look at [illegible] stion?

in a particular manner, must leave little doubt of the subsisting intercourse between the parties—even that must be done, not at night, nor in the dark and privacy of the cabin, but before every body, and in open day. But the case which their lordships were called upon to believe was not left there, for the parties were represented as having taken the indispensible precaution of granting even the last favours within the hearing of witnesses. They were described as habitually sleeping together in all their journies by land and sea. She could not even retire to change her dress but Bergami must attend in the dressing-room—first, of course, the parties taking care to have a witness present to speak to the fact. He could not dwell with calmness upon the representation of these disgusting scenes, with the peculiar features of enormity which were attached to them, without repeating, that exactly in proportion as they partook of the most aggravated character, and denoted an utter contamination of the mind, precisely in that extent were increased pains taken that they should not be done in a corner. No hidden places or recesses were selected or chosen by the parties for the free and safe indulgence of their passion from the prying eyes of those about them. They sought no secluded chamber in those places of abomination so well known upon the Continent, and which are degraded under the dignified name of palaces. The parties took no opportunity of seeking those hidden haunts of lust which might have been so hastily found. They sought no island among those which were the seat of such scenes in the times of antiquity, when society was less scrupulous of the conduct of its members than now. They sought no haunts among the Capreæ of old, to revive in them those lascivious acts of which they were the ancient scene. They acted, on the contrary, before witnesses—they conducted themselves in open day-light, in the face of couriers, servants, and passengers. Was such folly ever known before in the history of human acts? Was ever folly so extravagant disclosed in the most unthinking acts of that youthful period when the blood boils in the veins? Was ever, even then, in that proverbial period of thoughtless levity, a being so recklessly insane as to have acted in this manner? There never was, he believed, such an instance in the history of human passions. The conduct of the parties did not stop here; for, lest the witnesses who saw the acts might not easily be forthcoming for the enemies of the accused, they were every one of them discarded by the person who was to be the victim of their testimony. They were successively dismissed either for cause or without it—indeed, he might say, most of them without it, for the cause stated was of the flimsiest kind. This dismissal was followed by a positive refusal to take them back, when every human inducement would have prompted the Queen to have permitted their return, if she had any reason to dread their resentment. Each of the witnesses who had to perform a part in the Italian drama was successively dismissed, and this at a time when the Queen was aware of the proceedings that were pending against her, and of course was interested in whatever testimony they had to give. But was this all that the Queen had done to show her utter disregard for the efforts of her accusers? Did she not face them, when she might have easily and ho-

contrast with that species of evidence, which his learned friend (the Attorney-General) had given them reason to expect. But, instead of fulfilling these expectations, what had actually occurred? Many of the statements, strange and incredible as they were, became much more so as detailed from the lips of the witnesses. Let their lordships fairly look at the means used in the collection of such evidence. Actual power, developing itself with a liberal hand, had been busily at work. It was not the wide hand, or open purse—no, not even the most precious streams of royal bounty, which had, perhaps, overflowed upon this occasion—that had produced all the effects which they were now considering. There was reason to suppose, that power had been exercised, as well as influence, and compulsion applied, where other motives might not prevail. What was, in fact, the description of evidence adduced on the other side? In the first instance, it appeared that witnesses (designed originally for that distinguishable character) had been, on divers occasions, transformed into messengers; he would not call them by any harsher name. Keeping, as this their new capacity enabled them to do—he meant their lesson—stedfast in their minds, where was the wonder that they should ultimately join in the same story? How, after so many interviews, such long-continued social intercourse, and the exchange of so many mutual affections, could they be conceived to state any thing in itself incongruous or discordant? Accordingly they seemed to have certain facts treasured up, embalmed as it were in a perpetuity of recollection; although, when tried upon other topics, or when their attention was drawn to other circumstances, equally memorable, the faculty seemed to have abandoned them. Their leading man, the captain of this horde of witnesses, the great delineator of the plan of accusation, Majocchi, the renowned Majocchi himself, testified—to what? To any positive act of criminality? Oh, no! What, then, did he testify to? any thing which by a liberal or judicious mind could be admitted as indicative of criminality? Strange it was, but important to be observed, before he entered upon a closer examination of this person's declarations—of the statements of this true and faithful creature—well did it deserve to be noted, that even his testimony fell far short of the charges, as set forth by Mr. Attorney-General. He conjured them also to bear in mind, that there was not one of the witnesses who had appeared at their bar, who had not previously been examined, and who had not made some deposition before the Milan tribunal. Let them now then well mark the distinction; let them contrast with these persons the rank, station, character, and conduct, of those individuals to whom, indeed, Mr. Attorney-General had alluded in his opening speech, but whom he did not choose to call in support of his allegations. Not one of the witnesses on the other side, not one of the persons employed to destroy the reputation of a Queen of England, not one was to be found who had not gone through the discipline and drilling of a Milan tribunal. At that great receipt of perjury —(and he meant nothing disrespectful to any particular member of the commission)—but at that storehouse of false-swearing, and all iniquity, was every witness against her Majesty the Queen regularly initiated. How could

it be regarded as necessary, with a view of purifying evidence, that it should first undergo a drill at Milan? However captious some persons might be inclined to appear, he doubted whether they would require a probation of this sort. But, indeed, it had turned out, not only that witnesses had been long kept in England, but that many had been maintained on the opposite coasts of Holland and France. It appeared, too, that they had been maintained at an enormous rate, far beyond every rule of proportion that ought to have been observed. Sacchi, who had filled a post abroad, not above the office of a servant in his most prosperous days, lived in splendid idleness for a long time in England, enjoying for that period the luxury and attendance of a field-marshal. Why were the witnesses on the other side thus concealed, or thus entertained? Small indeed had been the services of these people when they were thrown into the balance, and compared with their remuneration. Was it not also a matter well entitled to their lordships' attention, that these witnesses should have been cooped up together, week after week; that they should have been forced into intimate society, and their motives necessarily brought into resemblance, and their objects in some degree identified? It was remarkable, too, that they were sorted, not as much with reference to the countries from which they came, or the languages in which they expressed themselves, as with regard to the depositions which they were to make. It was not his wish to pass any censure upon this rare *contubernium*, the select society of Cotton-garden. Imprisoned as its members were, they were rather objects of commiseration than of angry invective. Strangers to this land, knowing as little of their lordships as their lordships cared about them, what did their evidence, fairly weighed, amount to? It had indeed been contended that Italian evidence was as respectable, was of as high authority, as evidence derived from any other source. In order, then, to form a clear estimate—to introduce some light on this subject, he would refer to opinions entertained and to views taken in other times; and, in alluding to which, he could not possibly be supposed to indicate the slightest analogy with any occurrences of the present day. When he selected the reign of Henry VIII. he was sure that their lordships would join him in regarding that as the era most fertile in precedents for the measure now before them; but which did not, he believed, afford a complete precedent for it in any point of view. Yet it might be curious to inquire what was the estimation of Italian evidence throughout Europe at that time of day. It was upon record, it rested on the best historical authority, it was transmitted under the sanction of the names of eminent Italian jurists, that witnesses might be found in that country, at a pretty cheap rate, to authenticate or controvert any story. The grave doctors of the University of Bologna declared, after a solemn council, and by a decree which they subscribed *sigillatim*, that having well and maturely considered the whole matter between Henry VIII. and Catherine of Arragon, they were of opinion that his Majesty the King of England ought to be divorced from his wife. There was, at that time, something in existence not very unlike a late commission at Milan—an institution for drilling witnesses previous to their exhibition in

open day. Could he look at such witnesses, and not feel how applicable to them was the language of a great orator and philosopher of antiquity, when describing individuals not very dissimilar, and when alluding to the absence of that kind of testimony which was most desirable:—"*Sunt in illo numero multi boni, docti, pudentes, qui ad hoc judicium deducti non sunt: multi impudentes, illiterati, leves; quos variis de causis video concitatos. Verumtamen hoc dico de toto genere Græcorum: quibus jusjurandum jocus est: testimonium, ludus: existimatio vestra, tenebræ: laus, merces, gratia, gratulatio, proposita est omnis in impudenti mendacio.*" To come, however, to that period of our own history to which he had already alluded, it might be of importance to remind their lordships of some circumstances which had been carefully preserved by a most faithful and honest historian. The author in question was Bishop Burnet, a man whose minuteness and accuracy of narrative were alike admirable. At that time, it was deemed politic by the English government to institute certain inquiries in Italy. They were conducted under the superintendence of a gentleman, who, he had no doubt, if now living, would be described by his learned friend, the Solicitor-General, as being a most profound and skilful person, eminently conversant with the laws of his country, and whose name, by a strange coincidence, happened to be Cooke. No doubt he was a man of the utmost probity, and extremely learned in the law; but his commission and achievements in Italy were now matter of historical discussion. Let them hear, then, Bishop Burnet. These were the terms in which he spoke of the mission, and of the way in which it was executed:—"But Cooke as he went up and down procuring hands, told those he came to, that he desired they would write their conclusions, according to learning and conscience, without any respect or favour, as they would answer it at the last day; and he protested, that he never gave, nor promised any divine any thing, till he had first freely written his mind, and that what he then gave was rather an honourable present than a reward." In a letter to Henry VIII. himself, the same worthy person thus wrote—"Upon pain of my head, if the contrary be proved, I never gave one man a halfpenny before I had his conclusion to your Highness, without former prayer or promise of reward for the same." Thus they found that, even at that time, the distinction of the civil law, between reward and compensation was clearly recognised. Amongst the dispatches then sent from Venice by Mr. Cooke to the British government, were some rather singular and instructive specimens of diplomacy. It was matter of amusement, to attend to the account rendered by this individual on one occasion. What he was about to quote before their lordships, in the way of general illustration, was the copy of an original bill of expenses, or rather a part of it, audited and signed by Peter a Ghinuccіis:—"Item, to a Servite friar, when he subscribed, one crown: to a Jew, one crown; to the doctors of the Servites, two crowns; item, given to John Maria, for his expense of going to Milan, and rewarding the doctors there, thirty crowns." In another letter, the same excellent missionary thus expresses himself.—"Albeit I have, beside this seal, procured unto your Highness 110 subscriptions, yet it had been nothing in comparison of that which I

might easily, and would have done; and at this hour, I can assure your Highness, that I have neither provision nor money, and have borrowed a hundred crowns, the which are spent about the getting of this seal." But on the subject of *Italian evidence*, there was authority even yet more direct, and less *susceptible of controversy*. There were numerous individuals, natives of that country, whom he had the satisfaction of knowing, and for whose characters he cherished an unfeigned esteem. But when he had to speak of the commonalty, and especially with a view to the sin of false swearing, it was hardly necessary for him to dilate on the notorious facility with which they could allege what was false, or deny what was true. Italy had been described, by one who knew it well—its language, its manners, and its morals—as that part of the world in which, if remorse could be thrown away, every end might be easily attained—*that was, every end which depended on perjury* or fabrication. He was, however, drawn aside from the immediate question, and for this digression he craved their lordships' pardon. The aim of his preceding observations had been to impress on their lordships' attention the extraordinary nature of the evidence in this case. There was, indeed, in that evidence, a most surprising conformity; but it was a conformity most unfavourable to the statement of the Attorney-General. His learned friend had made a statement *which had no support in the testimony of his own witnesses*. Who amongst their lordships could forget the story of Mahomet, and of Mahomet's exhibition, as described in the opening speech of the Attorney-General? He had been represented as a man of brutal and depraved manners, and as exhibiting the most indecent gestures; as actually imitating the sexual intercourse, in order to furnish amusement to her Royal Highness. This was a statement which seemed to point to evidence of the most damning kind; it was a statement too which effort after effort had been made to substantiate, and in vain. The result of all their inquiries was to prove that the exhibition so described was nothing more than one of those common displays of buffoonery which had been often witnessed by the purest and most virtuous of those wives and daughters whom it was the happiness of their lordships to possess. Majochi, the chief witness on the other side, did not even pretend to insinuate that Mahomet's performance had any thing improper or indelicate about it. *With all the Solicitor-General's* dexterity of investigation, he had not been able to show Mahomet, the buffoon, in one indecent attitude. Even when the trying question was put with regard to the state of the man's trowsers, what was the answer? why, that they were as usual, that his dress was not at all disordered. Here, then, was an elaborate attempt utterly defeated. Their lordships, for reasons best known to themselves, but for reasons, he doubted not, that were dictated by consummate wisdom, and which they had not proceeded on till fully enlightened by experience, and a careful review of all the precedents which could bear upon the present case, had prevented him from animadverting on this failure so soon as he should otherwise have done. He felt happy, however, in the confidence that their lordships could never have intended to prejudice the cause of her Majesty. No doubt that, when they so resolved, it was from

having already made up their minds to [illegible] the paramount verdict of acquittal which the country at large had already pronounced. The story of the Attorney-General had never even been [illegible] by his own Italian witnesses. It was too wild and incredible for individuals who had been brought here from abroad, and removed from the situation of couriers to a state which many landed proprietors might envy. Signor Sacchi, or Sacchini, had, it appeared, been living in this country, attended by his man-servant, and at the rate of at least 400*l.* or 500*l.* a year. This was an income which in Italy would be equivalent to 1,000*l.* or 1,200*l.* Their lordships had seen how he was dressed, and had also heard him state that, although he had descended to the office of a courier, he had always been in easy circumstances. It was not surely difficult to form a right estimate of such testimony. The pay or remuneration—and he would call it the hard-earned pay—of the captain and his mate, had astonished all mankind; had astonished them in consequence of that publication of their proceedings, which, in contradistinction to every ordinary rule, they had thought proper to allow. He would not, however, dwell upon topics so unpleasant at any greater length. He should have stood with confidence and steadiness upon his main ground of defence, even if there had not been so great a blank in the evidence—so scanty a supply, as compared with the mighty promise. The defence would have been entire and complete, although the Attorney-General had adduced evidence corresponding with all the minuteness of his statement. If that statement could be at all borne out—if the topics which it embraced were such as could be with any propriety alluded to, how were they to account for the absence of those ladies whose separation from her Majesty's retinue had been held up as a fact at once important and decisive of the question? They were persons of rank, known in their own country, and esteemed and loved in proportion as they were known; they were persons on whose reputation not even the vestige of a shadow had ever rested. But the Attorney-General called no one of them. There was not, however, a judge at the Old-Bailey who would not, under such circumstances, have required their evidence as the most satisfactory test that could be applied. This he would do on the trial of a misdemeanour; this he would do in a case of felony; and of how much more importance, therefore, did a rule of this nature become on a question of high treason, or what was but technically distinguished from it? He conjured their lordships to remember that they were not now sitting in their capacity as a court of justice, they were not now compelled to take cognizance of this matter, or to bring it to any issue. They might, if they pleased, dismiss it; they might give it the go-by; and, gracious God! what was there in the case to induce the House of Peers to pursue a Queen to destruction? What was there in the testimony brought from out those [illegible] it. [illegible] what was there in it to induce them to run counter to a sentiment almost universal? [illegible], that in that sacred temple, that sanctuary of justice, the House of Peers, [illegible], with a rash hand, had made up their minds to [illegible]

symbols, upon grounds so weak and so fallacious, and to sink themselves in eternal condemnation at the tribunal of after-ages.

Mr. BROUGHAM here paused, and threw himself on the indulgence of the house for a short relaxation. This was readily granted.

After an absence of three quarters of an hour, Mr. BROUGHAM re-entered the house, and their lordships having taken their seats, the learned gentleman proceeded with his address. He had, he observed, to crave their lordships' pardon for the delay which his absence had unavoidably occasioned. He would now submit to their lordships all that occurred to him on that part of the case which was connected with the evidence, and he was afraid he should be compelled to solicit their lordships' attention for a considerable time to the important considerations which here presented themselves. The first point that would necessarily arise in their lordships' minds was a recollection of the principal parts of the evidence, and their practical application to the case. Here it would be his duty to notice, in a particular manner, the first witness, who would be long known in this country, and throughout the world—whose favourite expression would be handed down, much after the same manner as the sayings of some of the ancient sages had reached our days; their names indeed were lost, but they still existed in the celebrity of their brief and pithy sentences. That witness had distinguished himself during this trial by an expression equally brief, and to him more useful: that one sentence appeared to comprise the entire practical result of all the wisdom and all the experience which he had accumulated in the study of his art; and, as long as the words "I don't remember," which he used in the practice of that art, in which he evinced great skill—so long as those words were known in the English language, the image of Majochi, without the man being named, would forthwith arise to the imagination. He was a witness of the greatest importance in this case. He was the first called, and he was the last examined. His evidence accompanied the case nearly throughout; it almost extended over the whole of the period to which the charges themselves referred; in fact, it went to the period when he was dismissed, or rather when he retired, from the Queen's service, and was refused to be re-admitted,—which was about the time when the charges were brought. He and De Mont stood apart from the rest of the witnesses, and resembled each other in this respect—that they went through the entire case. They were indeed the great witnesses for the bill—the others were rather witnesses of a confirmatory description. They were all willing witnesses, some of them had already received much. A part of them were influenced by actual acceptance—a part by the hope that the gratitude of those who summoned them would operate greatly to their advantage: they were, therefore, zealous in the behalf of their employers; and, of course, they would not have stopped short at mere confirmation, if, by any means, they could have carried the case through. This he stated, generally, with a view to the relative importance of the character of all the witnesses. He would now entreat their lordships' attention whilst he entered on this branch of the subject more in detail. He had often heard it asserted that the great

prevailing feature of Majochi's evidence—his want of recollection—signified but little, because a man might err—memories differed. He granted that they did. Memories differed as well as honesty. He did not deny it. But he thought he should be able to show their lordships that there was a sort of memory utterly inconsistent with any thing that he could figure to himself. But why should he invoke his fancy? Why, when he had only to recollect Majochi and his evidence? He could point out parts of that evidence, than which he defied the wit of man to conceive any stronger or more palpable instances of false swearing, than might be traced in the use of the words which he had before quoted. He would not detain their lordships by citing cases where the answer "I don't remember" might be innocent—where it might be meritorious—where it might not only be no impeachment, but confirmatory of the testimony of a witness, and tend to the support of his credit. Neither would he allude to cases where such an answer would be the reverse of all this—where it would be destructive of the testimony, an utter demolition of the credit of the person examined. He would not quote any of those cases, but take the evidence as it stood; and *from* it he would show, that while Majochi's testimony abounded in guilty forgetfulness, no one circumstance, supporting the idea of an innocent forgetfulness occurred. He would proceed, at once, to give their lordships proof positive of this man's perjury—and this he would do by adverting to his mode of forgetting. In the first place, he begged leave to direct their lordships' attention to the way in which this witness swore as to the position of the rooms of Bergami and the Queen, with reference to these charges. The great object of the Attorney-General, as shown by his opening, and as evinced by the whole of his examination, was to show a communication between those apartments; and the manner in which Majochi answered indicated that he was privy to the concoction of the plan. The object of that plan was to prove the position of the rooms of the Queen and of Bergami always to have been favourable to the commission of adultery, by showing that they were near, and had a mutual communication, whereas all the rooms of the rest of the suite were separated and cut off from those apartments. Thus it was meant to support the inference of that guilt to which the charge related. Accordingly, the first evidence, who was to go over the whole case, was better informed on this part of the subject than any other of the witnesses. There was more appearance of proof in his testimony on this point—it presented more accuracy of detail than that of the other witnesses—when he was examined with a view to extract criminatory matter against the Queen: but he was not prepared for any attack, and his regular custom was utterly to forget himself, in order that he might be protected against the severity of a cross-examination. The questions constantly asked were, "Where did the Queen sleep?—In an apartment near that of Bergami. Were those apartments near or remote?—They were near." Questions of this kind were asked over and over again, so good a thing was it thought to procure the answer that the apartments were "near" repeated with success. The same answer was invariably given. Bergami was repre-

sented as occupying an apartment near that of the Queen, with which there was a communication, sometimes by a passage, sometimes by a room, sometimes by a door. Then it was asked, did the rest of the suite live apart? Were they distant from or near to the Queen? Was such the position at Naples? It was important to advert to this point, because more was made of the approximation of the chambers at Naples than at any other place. In the direct examination, the witness was asked, "Did the people of the suite sleep in that (the Queen's) part of the house, or at a distance?" And the Italian word in answer was "*lautano*," which was interpreted "apart." He, however, remarked at the time, that it meant "distant;" and distant it meant, or it meant nothing. Here then the witness had sworn distinctly, from his own positive recollection, and staked his credit upon the truth of a fact—upon this fact, "that the rest of the suite lodged apart and distant from the Queen," which, coupled with the statement that the rooms of her Majesty and of Bergami communicated together, must have the effect of combining both these circumstances, as a proof that means were adopted to indulge in a criminal intercourse. Majocchi positively stated, in the first instance, that "the suite lodged apart, and distant from that portion of the house occupied by the Queen." Was there not, then, an end of his "innocent forgetfulness," if, when he (Mr. Brougham) came to ask him, in his cross-examination, where "the suite slept," he altogether falsified his former statement, and told him, "I don't know, or I don't recollect." It clearly had this effect: because he must have known, and he must have recollected the circumstance, since in his examination in chief, he had sworn that two rooms, those of the Queen and of Bergami, were near, but that the rooms occupied by the suite were distant and apart. When he spoke of the proximity of the rooms in the one case, and their remoteness and disseverance in the other case, and when he afterwards declared, with reference to the latter, that "he did not remember where the suite slept," it was clear that he had perjured himself one way or the other, he cared not which, as much as if he swore he saw a person one day, and swore he did not on the next. The one was not a more gross or direct contradiction than the other. In stating his recollection and his forgetfulness, if their lordships would look comparatively to where the witness remembered, and where he declared he had forgotten, he believed they would almost uniformly be led to a similar conclusion. He would give one specimen, from the evidence itself, to show their lordships, when the witness was asked any questions relative to the Queen's apartments, in support of the case, where he had learned his lesson, and was examined in chief—where, in short, he was not afraid to speak, no opposition being made to him—how very tenacious his memory was. He would convince their lordships what his recollection really was; he would give them a fair sample of his memory. He (Mr. Brougham) asked him—

The LORD CHANCELLOR—What page do you quote from?

Mr. BROUGHAM answered, "Page 47."

The Earl of LIVERPOOL suggested that the learned gentleman, when he quoted from the minutes of evidence, should specify the folio.

Mr. Brougham proceeded. In cross-examination he asked the witness—(and he did so, in order to show his accuracy of recollection on particular points, where the evidence had been well drilled :—

"Have you ever seen the Villa D'Este, since the time you came back from the long voyage?—I have.

"Was the position of the rooms the same as it had been before, with respect to the Queen and Bergami?—They were not in the same position as before."

And then the witness told a long story describing the alterations. "There was," he stated, "a staircase, or landing-place of a staircase, on one side of the Princess's room. There was a small corridor, on the left of which there was a door that led into the room of the Princess, which was only locked; and then, going a little farther on in the corridor, there was, on the left hand,

the same right hand of the same room there was a small alcove, where there was the bed of Bergami. I saw two doors open always—but there was a third stopped by a picture." Now, could any recollection be more minute, than the recollection of a man who could state all these particular circumstances? He had no objection to this display of accuracy, in any point of view. If an individual were to invent a story entirely, if he were to form it completely of falsehoods, the result would be his inevitable detection and exposure; but if he built a structure of falsehood on the foundation of a little truth, he might then, by using some degree of address, place an honest man's life, or the life and character of an illustrious Princess, in jeopardy. If the whole edifice, from top to bottom, should be built on fiction, it was sure to fall; but if it was built on a mixture of facts, it might put any honest man's life or reputation in jeopardy. He (Mr. Brougham) only wished their lordships to contrast, with this minute recollection of rooms, doors, and corridors, the circumstance of Majocchi not having the slightest recollection of a whole new wing added to the house in which her Majesty had lived. He recollected the slighest alteration respecting a bed-room or chambers in the house, but he recollected nothing of a whole new wing added to that house. This showed the dishonest character of the whole testimony. Of the same nature was his evidence when any calculation of time was required. He observed the most trifling distinction of time when that suited his purpose, and he recollected nothing of time when it was inconvenient for his object. In proof of this, their lordships were requested to refer again to the celebrated scene at Naples. This witness remembered down to minutes the time which her Majesty had passed at two different times in Bergami's room. The first was from 10 to 15 minutes, the second from 15 to 18 minutes. Here the mean time was 16 minutes and a half. The witness went to the window, and fired a gun, exactly three minutes afterwards. Here the mean time was given at once. A quarter of an hour was then stated with equal accuracy, and afterwards three quarters of an hour. All this was in answer to his learned

friend; all this was in the examination in chief; all this was thought by th witness essential to his story; all this was to garnish the story with an ap pearance of accuracy essential to his purpose. But such minute accurac was of use not to him, but to the Queen. When it was of use, not to th prosecution, but to the defence, then he could not recollect whether it was whole night, or eight hours, or any definite period. "Why could you no recollect the period of time on this occasion as well as on the other occa sions?"—"I had no watch." "Had you a watch when you reckoned a minute, and the fraction of a minute?"—"No." Why, then, did Majoch know the precise time on one occasion, and not recollect any thing of time at another occasion? He pleaded the want of a watch only when the defence could be served by time, or when he was asked something which he conceived their lordships would consider of importance for the defence. Majochi answered no categorical questions. When asked as to the number of sailors present, he could not tell whether it was two or twenty-two. As to place he was equally in fault. Although he slept in the hold of the ship, and all who slept, slept in the hold too, he could not tell the others that slept at any time there by day or by night. Therefore he (Mr. Brougham) could ask their lordships, whether any person ever appeared as a witness whose testimony was so varying, and so exactly suited to the character which the witness was to support? But this was not all. The answers "I don't recollect," and "I don't know," were such as could not by possibility be true, if the answers given in the examination in chief were true: As, in the instance to which he had referred in Naples, if the minuteness sworn to in his examination in chief was true, and founded in fact, it was impossible that he should have no recollection of the matters to which he was cross-examined. If it was truth that the rooms and doors were as he described, he could not by possibility know and recollect that, and be in total ignorance of the other parts of the house. In the same manner, this witness knew nothing of Mr. Hughes; he never knew a banker's clerk; he knew nothing of the name; he had never known any of that name, or any banker's clerk. But when he saw that he (Mr. Brougham) had a letter in his hand, and before he had in any thing refreshed the witness's memory, he clearly showed that he had never forgotten either the name or the place. By the demeanour of the witness, too, and the tenour of his answers, their lordships must have seen the same change evinced. Majochi gave as his reason for this inconsistency, that familiarity had made him forget the name and occupation of his familiar. The ground of forgetting his trade was the familiarity which formed the ground of calling him "brother banker." It was very manifest that Majochi was not very willing to give the name, or the trade, or the place of residence, of any one with whom he had been acquainted; for what reason he (Mr. Brougham) would leave their lordships to judge. But, before he should be done with this witness, he would give another instance of his dishonest intention. Their lordships recollected the shuffling prevaricating answers he had given respecting the receiving of money. He had first told that Lord Stewart had given him money at Vienna. Afterwards he had, twice over, sworn that he had never received money at Vienna from any person. It was the same as to his re-

ceiving money at Milan. "I remember to have received no money at Milan—I rather believe I received no money—Rather no than yes—*Non mi ricordo.*" He (Mr. Brougham) had some guess what evidence this witness must have given, when he laid the foundation of the favour which he had since uninterruptedly enjoyed. When he had been laying the foundation on which his fortunes were to be built, their lordships would recollect that he knew a great deal. In the opening speech of his learned friend, much was stated which this witness was expected to prove. As an instance, their lordships would recollect that Majochi was to have proved that the Queen and Bergami had been seen kissing one another in a bed room. Did Majochi swear this? On the contrary, the witness negatived it in the completest manner. It was only whispering. This single instance showed the whole character of his testimony; but he would give their lordships others quite as fatal to the credit of the witness. He would show to their satisfaction that Majochi had told one story to the instructors of his (Mr. Brougham's) learned friends; but that when brought to their lordships' bar he told a far different story, probably from knowing the facts and documents which he (Mr. Brougham) had got in his possession, but more probably from having forgotten part of his invention. This partial forgetfulness was much more likely where the whole was an invention than where truth was the foundation of testimony. So it was in this case. Majochi recollected part of his testimony. "Yes" was ready for the question. But parts he did not recollect. It was perfectly evident that what one saw, was far more intensely and permanently impressed on the mind and recollection than what he might afterwards invent and add to his actual observations. Thus it was that Majochi recollected part, and forgot other parts. He had been asked whether he had seen any one bring broth to her Royal Highness?—Yes. "Do you know whether any entered the room with her Royal Highness?—I don't recollect. After Bergami had entered the bed-room (assuming that he had seen him enter), did any conversation take place?—Yes." Well, but conversation might be very innocent; that would not do. "Was there any thing else?" This question had been asked because Majochi must have sworn something else before. To elicit that now, he was asked if there was any thing else? There was, in fact, something which his learned friend wanted. But Majochi forgot part of his invention, as always happened to certain persons whose names he would not mention to their lordships. The something given in answer, therefore, was "only some whispers." If it were said that whispers were all that his learned friend meant, he would say, No. His learned friend had opened very different facts; but besides, from the examination of the Solicitor-General, it was evident that more was expected. "Aye, but was there any thing more?" Whispering would have satisfied, if nothing further had been sworn before. But the inquiry was pursued:—"Did any thing at any other time occur?" Oh, it might not be at that time: was there any other thing at any other time?—"Whispering," said the witness again. Another instance, to the same effect, he would call their lordships' attention to. He

hoped he was not too minute. He felt it necessary to enter into this detailed investigation, for it was so that conspiracies were detected. "At Genoa you saw her Royal Highness riding upon an ass;—Yes." There was something, however, expected, more than that fact. There was nothing indecorous in riding upon an ass by daylight. "Did you make any observation? What passed?—He held her." Very well: there was a great deal in holding her, and a great deal might depend upon the nature of the tenure. "What else?—He held from falling." Aye, that won't do. His learned friend was not satisfied with that, having had something in his hand which the witness had sworn before, and not knowing that it was a different, a very different thing, for a false swearer to recollect his fiction, and for an honest witness to recollect what he had actually seen, his learned friend, therefore, proceeded: "Did you make any other observation?—No; they spoke together." A number of other things might be recalled to their lordships' recollection to the same effect. The witness stated respecting the breakfast what others had stated. What was fact he recollected; but what he said he did not recollect, was as clear as what he did recollect; and if his recollection were true, he would have recollected as well other facts as those he pretended to recollect. He (Mr. Brougham) must also remind their lordships of the incredible story told by Majochi, when he would have them believe that the Queen, having free access to Bergami's room, through rooms where no person slept, she chose rather to pass through an occupied room. The witness would at first have represented that there was no other access, but, after much equivocation and perjury, he admitted that there was another access; yet, having admitted that the Queen had easy, safe, and ready access to the place of guilt, he represented that she preferred passing through another room where Majochi slept—where he slept in a bed without curtains; that she preferred passing through a room so small, that she must have touched the bed—through a room where a fire was burning; and, what was most monstrous of all, they were to believe that, to make detection sure, she stopped in her passage through the room, and looked in the face of Majochi, to ascertain whether he was asleep. The whole of this story defeated itself. Why pass through a room where she must be observed, rather than through a room where none slept, where there was no fire, no uncurtained bed, and no possibility of being observed? Was she indifferent because it was a person she knew nothing about, no servant of her's? The looking in the face was quite improbable; but was a statement which one was very likely to invent in a country where robbers were not few and robberies not unfrequent. A robber naturally came to the bed where a lady slept, and looked in her eyes to see if she was asleep. If she was not, he could proceed no farther. It was therefore very wise and prudent in the robber to take this precaution: but for a person going to commit adultery in the next room to look in the face of him whose mistress she was, and that person the Princess of Wales—when the very looking condemned, exposed, and convicted her—this was the most incredible, the most silly invention that could be made. But it was providentially and most happily ordained, for the detection of guilt and the

defence of innocence, that such inventions were often carelessly put together; and here the invention was, in particular, thoughtlessly put together. With respect to Bergami's dining at Genoa, Majochi was contradicted by the other witnesses. When asked if he did not recollect his being at dinner when Villascarti, the courier, arrived, he knew nothing of such a person. But when asked whether he remembered knocking at Bergami's room-door, he replied, "I remember perfectly when Villascarti arrived." Then, recollecting the contradiction, he said it was not on that account he remembered it, but because thieves had arrived and attacked the house that night. But there was one part of Majochi's evidence upon which he would rest as gross and palpable perjury. It was so gross and palpable as to dispense with the necessity of pointing out perjury in other instances. He denied that he had been dismissed by her Royal Highness; but said he had left her service because of the bad people that were about her. This he said with the double purpose of raising his own character, and debasing the Queen's. But he would show this to be false from his own mouth. When asked whether he had not made application to get back, his answer was—"I don't recollect." "Did you apply to Count Schiavini to be taken back?—I did." The moment he mentioned that, his assertion, that he did not recollect, failed; therefore, to save himself, he told them all—and very material it was for their lordships' consideration—"Yes, yes (*cosi, cosi*). I did apply to Schiavini, but it was in joke." Now, their lordships would mark that. The former answers were probable, if this was in joke, if not, they were positive perjury. If, then, this was in joke, what followed he would have at once answered by "No." "Did you apply to several persons? did you apply to Hieronymus?—*Non mi ricordo.*" This last answer was gross and wilful perjury, or the first answer was gross and wilful perjury. He (Mr. Brougham) cared not which. The joke, in fact, was an invention to protect the other invention, or the story was perfectly incredible, that he applied in joke to Schiavini, and that he did not recollect whether he applied to others. Their lordships recollected the manner too of this witness. He showed some flourishing and figure—"I would rather eat grass than go again into the service of the Princess." Was it true, and was it the language of an honest man, that he would rather eat grass than go back; that he applied in joke to be taken back; and that he could not afterwards swear that he had not applied to others to be taken back? Here then was the mystery unravelled of Majochi's *Non mi ricordo.* His testimony was false, either one way or the other; he (Mr. Brougham) cared not which. He must now call their lordships' attention shortly to the next witness; it would be very shortly, because those well paid swearers exhibited a certain something in their demeanour which at once showed the value of their testimony. In courts of justice nothing was more sure to disclose the falsehood of testimony than a flippancy and pertness in the manner of telling a story. A false witness was always flippant and impertinent when pressed. As an instance of this their lordships would recollect that Paturzo, when asked whether the guns were on deck, answered "Yes—they were not in our pockets." He (Mr. Brougham) only mentioned this, because his learned friend had said that

this was a *good, correct,* unimpeachable witness, and because his testimony had been represented in the opening speech as infinitely important. He would venture to say, at least, that a better paid witness, or better paid Italian for any purpose, had never yet come to his knowledge. The money paid was upwards of 2000l. sterling a year to one who had been mate of a vessel in the Mediterranean, and who was now fourth-part owner, and as a means of making compensation to him instead of giving him a reward. The profits of the vessel, according to this calculation, was 8,000l. sterling a year. This, in the Mediterranean, was equal to 16,000l. or 20,000l. in this country. Not one half of this money did any trading vessel in the Mediterranean ever make. In Messina the whole ownership would be thought most fortunate that produced 400l. a year. That was a great income in that country. None but the noblesse was ever heard of that had 1,500l. a year there. No such thing was known among traders or merchants. If any master and his mate made such splendid fortunes, their names would have resounded through Italy as the rich of the earth; and none would visit that country who would not wish to see them, and to have letters of recommendation to them, as eminent and distinguished among their countrymen. The cobbler was known in history, but this master and his mate had never been known beyond the streets of Messina till they came to merit this large compensation. The mate made nothing equal to 2,000l. sterling a year: this was his own story. The captain, as might be expected, had still more; he had more than 2,400l. sterling a year, besides having every expense of travelling, living, and perhaps clothing, paid. This too was given in addition to the profits of his ship, which was all the time sailing and earning trade, and in addition to the profits of the cargo. Yet it was only a compensation. The captain was paid all this money as compensation, not as recompense! This master had had a quarrel connected with his testimony. He told with some *naiveté* that himself, his mate, and twenty-two men, had been engaged, including profits, expenses, and trade, for one-fourth less than he now received for coming over to swear upon this occasion against the royal personage whom he had then served. But he added, that when royal persons made engagements with him, the uncertain profits were greater than the certain contracts. This was a great truth, well known to many there, that something certain was often stipulated, but that still more was often given as honorary and voluntary compensation. The master was not, therefore, to think his compensation limited here to 2,400l. a year. If one royal person gave him so much, and if that was nothing compared to the uncertain allowances to be made to him, how much less would her illustrious husband and his servants be limited to 2,400l. a year if he pleased them—if he fully made out the case—if the case should come well through his hands, and no accident befell him in giving his testimony. If he should succeed in this, he must get what would make a mere joke of the 2,400l. a year. He (Mr. Brougham) had mentioned the inducement of reward, but there was another inducement. Was there no spite entertained towards any of the parties? The whole of his testimony was bottomed in revenge. He had distinctly

sworn that he had had a quarrel with Bergami, whose business it had been, as chamberlain, to pay money for her Majesty, and that he had complained to his own Ambassador of being deprived of 1,300l. This was proved from the witness's own mouth. This appeared in pages 134 and 135 of the evidence. In consequence of this complaint to Count Ludolph, this witness, Gargiulo, became known to the English Government. The only means they had had of knowing his name and place of abode was his complaint against the Queen, and his claim of 1,800l. At page 135, at the foot of the page, it was stated, "I have received nothing nay, my Minister and the Colonel to whom I have mentioned it, told me that they knew nothing, and that I might go to London, and then might see upon this particular." He now came to London to see into it, and he would not see the less clearly that his evidence was of use. There were other matters in this witness's testimony of a very peculiar character. He (Mr. Brougham) thought that the Princess of Wales, stooping on a bed in a vessel with her arm round a gentleman, and from time to time kissing him, not a very ordinary sight even for nautical men, nor such a sight as they could forget. Yet the master and his mate forgot, or differed most materially in the history of this matter. The mate said he had seen the Queen sitting on Bergami's knee near to the mainmast. He (Mr. Brougham) stated this minutely, because the mate considered it important. The mate meant to say that his evidence was given with particular accuracy, if not correctness. Yet he said it was not on a gun that the Queen sat on Bergami's knee. Not one word did he say about kissing and similar facts, the most important of all. Their lordships would, therefore, conclude with him that they did not happen. The captain, on the other hand, stated that it was on a gun, and not at the mainmast, that the Queen sat on Bergami's knee. But did they speak to the same time? Yes; for the captain said, the mate saw it at the same time. The mate, however, had not seen it; and his learned friends had not dared to ask him any questions respecting it, because the captain had not had time to be trained sufficiently. He (Mr. Brougham) merely mentioned these circumstances to show that the story could not be true, because, if it were, such differences would be impossible. Yet those pure, fastidious, and good scrupulous witnesses, from places chaste and sacred as the garden of Eden before the fall—from Messina and Naples—displayed a nicety of moral caution that was exceedingly exemplary. The captain, because the Queen was seen leaning over Bergami without touching him, desired the mate to go away, because, on account of their relation as master and mate, he was bound to protect his morals, and also because the ties of blood imposed a responsibility upon his conscience. Therefore he would not let his mate be near that part of the ship. He never said that the Queen wished him to withdraw, or that there had been any order from Bergami; the guilty pair cared not who saw them: but the virtuous Gargiulo, reviving, in the modern Mediterranean, a nicer sense of purity than the ancient ocean there had ever seen, would not allow his relation

to view such a pair; for when they were so near they might touch, and that in the presence of the mate Paturzo. There might be those who believed all this; he could not account for the belief of some; but if there were not another thing to be objected to Gargiulo and his mate, this was sufficient to prove that their testimony was not true. This was all invented, and was fabricated and gross falsehood. The captain meant to improve the case, to take in cautious minds; perhaps to increase his claim to enlarge the uncertainties which with royalty were greater than certainties; to improve his chance of obtaining the 1,300*l.* for which he had come over to this country. But one more statement of this witness he would mention, and then he should be done. He held up these witnesses as models of perfect art, as well finished examples of their kind, as the best paid, and altogether such as ought to be esteemed very *crack specimens, displaying zeal in proportion to the much they had received*, and the more they expected. But happily there were limits to this art, as to all human arts; and if there were not, God pity the innocent against whom this mighty art might be directed. It was found here that the accomplished swearers could not make their testimonies tally without communication after the first had gone through his examination, and before the other was begun to be examined. But the master and mate were *evidently descendants, lineal descendants, of the doctors of Bologna.* They were afraid to have it thought that they had spoken together on the subject of their evidence. They were living together, lodged together in the same magazine, breakfasted together that very morning; yet, with all this, from a degree of care that would do honour to the nearest relations, and which he wished all relations observed, they never entered on this subject, and that a subject which occupied the attention of every mind in the kingdom. This was not *peculiar to them*, but the *manner* in which it was stated was *peculiar*. "I am not the man to speak of such a subject," replied the captain. Why? "It would not be decent; it would not be fitting that I should say any thing out *of doors of* what *I have been asked here.*" *Did you* ever speak to the mate of it? "O never, never!" Did you agree that you should not speak of it? Did you determine that you should not say any thing of it, and agree thus—"You and I coming here upon *one* subject *must not* mention that subject the one to the other?" He (Mr. Brougham) knew not whether the witness had understood this question, but his answer had been "Yes." One general remark upon this point yielded much satisfaction and consolation. Whatever injury this inquiry might do to the highest and most illustrious persons, whatever mischief to the conduct and good ease of social life might arise for some time to come from the details brought forward, one spot, one little land of Goshen, was sacred and pure from contamination. From all the impurities which offended the delicate—alarmed monarchs—and went so well nigh to contaminate the morals of the nation, one spot was safe; and, strange to tell, that spot was no other than Cotton-garden, in this very vicinity. Let

no person suppose that the danger was so great as it had been represented, or that there was any truth in the assertion that the island was flooded with impurity and indecency; for Cotton-garden was pure and uncontaminated. Of all the unclean horrors which had been conjured up, it turned out that not one whisper was heard in Cotton-garden. There not a word was spoken, even remotely connected with a matter which so much vitiated the mind, and which debased, he would say, the reputation of this country. If their lordships chose to believe this, far was it from him to interrupt a delusion so pleasing; it was delightful for the mind to repose on such a spot. If they disbelieved it, they must believe something else, and that was—that all the witnesses in this depôt were perjured again and again. The course of his observations had now brought him to some personages, even of greater importance than the captain and mate, however pompously introduced by the Solicitor-General—he meant De Mont and Sacchi. He trusted that he should be excused for coupling them, united as they seemed to be by the closest ties, and resembling each other as they did in some of the most material particulars of their history. Both had lived under the roof of the Queen—both had enjoyed her bounty—both had been reluctantly dismissed, and both had solicited to be taken back into place and favour. The bonds that originally united them had subsequently continued—they had lived in the greatest intimacy, not less in their native mountains of Switzerland than in England: they had remained here nearly for the same period of time, above twelve months, and those months had been occupied by them in a manner best calculated to fit them for the service of their employers, in obtaining a knowledge of the classic writers of our island, through an accurate study of our language. Incidentally this gave them a great advantage—only incidentally—for, modestly, they did not brag of their proficiency, but availed themselves of the assistance of an interpreter, which gave them an opportunity of preparing an answer to the question they had understood, while the interpreter was furnishing them with a needless translation. The other points of resemblance were many, and he would not further dwell upon them in particular, because they would be illustrated as he proceeded. He wished, in the first place, to remind their lordships of what sort of person Mademoiselle De Mont described herself to be, because it signified very little what he should be able to prove her, compared with what she had proved herself. He would take her own account, and he could hardly wish for more, though she might well wish it less with the most ordinary regard for her own safety, not to mention the sanctity of truth. She was a person of a romantic disposition, naturally implanted, and certainly improved by her practice in the world. She was an enemy to marriage, as she stated in her letters, and did not like mankind in the abstract, whatever she might do in the particular—*amica omnibus quamlibet inimica* perhaps she might turn out to be in the end. However, she hated mankind in the abstract, only making an

exception in favour of such a near friend as Sacchi, whom she dignified by the title of an Italian gentleman, though he, ungrateful man, would not return the compliment by acknowledging her to be a countess. Marriage, she said, she did not like—she loved liberty, " the mountain nymph, sweet liberty," and in pursuit of her among her native hills their lordships would not fail to see into what company she had fallen. Were these to be reckoned among the accomplishments of this lady? By no means: she was the most perfect specimen, the most finished model, of a waiting maid, the world had ever seen: none of her own writers, and none of ours, whom, no doubt, she had studied, had given such a pattern for imitation; Moliere, Le Sage, Congreve, and Cibber, had all fallen far short of this admirable original. He did not mean that all her qualifications had been developed at once; some of them had gradually made their appearance under the cross-examination of Mr. Williams, when she showed that her education had done honour to her natural abilities; she had shown that she was gifted with great circumspection, that she possessed much readiness in adjusting one part of her evidence with another, and great skill, if the eternal laws of truth allowed it, in blinding and deluding her hearers. She evinced not a little readiness in reconciling the story she had told with the contents of the letters produced, which letters she had not forgotten, though she did not know that they were still in existence to be produced against her. Had she been aware of their preservation, and had her patrons known their contents, their lordships would never have heard of her: she would never have been produced as a witness, but would have been shipped off, as many others had been, like so much fresh meat or live lumber for their native country. But her constant mode was to deal in *double entendres;* Sacchi did the same, so that it was impossible to know what they really meant: to them indeed might be applied what formerly had been said of the Greeks—*tribuo illis litteras, do multarum artium disciplinam, non adimo sermonis leporem, ingeniorum acumen, dicendi copiam: denique etiam, siqua sibi alia sumunt, non repugno: testimoniorum religionem, et fidem nunquam ista natio coluit: totiusque hujusce reiquæ sit vis, quæ auctoritas, quod pondus, ignorant.* But the candour of De Mont had been praised, and why? Because she admitted that she was turned away for a story which proved to be false. He had heard her applauded for other things, and especially where she said that she was sincere in some of the applauses she bestowed upon the Queen. In the same way she had been asked " whether she had not been in want of money?"—Never. Did you not write to your sister that you were in want of money?—That may be so; but if it were it was not true." This was called candour, and though in *rerum natura* there might be no connexion between truth and her statements, and though a thing's being false did not prevent her either from writing or speaking it, yet to his no small astonishment, he had heard her evidence praised for its fairness by persons of moderate abili-

ties. He need hardly remind their lordships, or indeed any man whose capacity was above that of the brute animals he abused by using, what utter nonsense those talked who applauded the evidence of this witness for its candour. De Mont asserted that she was insincere—she allowed that she had told numerous falsehoods; and what praise was due to that ingenuousness with which she told the house that she dealt wholesale in untruth, and that no dependence could be placed on a syllable that fell from her lips? Yet, in the opinion of some persons, so captivating, so seductive, a blandishment was this, that it blinded her judges to her faults, and opened their ears to all the tales of so accomplished and ingenuous a liar. In any body but a witness candour might be approved; but here, "Pure, dear, innocent Swiss Shepherdess, how ingenuous thou art!" was the cry, and immediately all that she uttered was to be believed. Certainly the strangest of all reasons for giving credit to a witness was to cite her candour in admitting that in no respect she deserved it. Look at her letters and at the explanations she had offered of them. He would not go through the details, but every man must be convinced that those explanations were impossible: they did not in any respect tally with what appeared in black and white—her gloss did not suit her text: they were wholly inconsistent, and the clear contents of the four corners of the document showed that what she was stating was untrue. The letters wanted nothing to make them quite intelligible, and her key did not fit her cipher · the matter only became doubtful as she enveloped it in falsehood by the inventions of the moment, by her *extempore* endeavours to get rid of the indisputable meaning of her own hand-writing. A plain honest witness would know how to deal with these things, and would not entangle himself in the miserable webs of this dirty-working creature. The sense of the letters was plain and obvious, and he prayed to God that their lordships might so believe it, and might not stand a solitary exception to the conviction of all the rest of mankind. He hoped that they would believe that this woman was sincere in her praises of the Queen; that she spoke in her letters the language of her heart, and that her notions had only been changed as her mind became corrupted, when she fell into the hands of the other conspirators against her illustrious mistress. Another feature of this lady's character he had nearly forgotten—her affection for her sisters. The principle of her conduct, if she were believed, had been anxiety on this account: yet how had she proceeded? She had done her utmost to secure one of these innocents, of the age of 17 or 18 in a house, which, if her story were now credited, instead of being called a palace, deserved only the name of a brothel. Yet she had been content herself to submit to the contamination because the mercenary Swiss described herself as setting the profits of her place against its disgrace, as the Roman emperor did the money he obtained from a filthy imposition. She allowed that it was worse than an ordinary brothel, yet one of her sisters of 15, and the other of 17, whom

she loved so dearly, were both to be introduced into it in creditable and comfortable situations. Such was De Mont by her own account: but who would believe her so bad? No woman could be so bad; yet she insisted that she was, because her own letters were produced against her. It was clear, however, that she had given her evidence in utter ignorance that her hand-writing could be brought forward in contradiction. In referring to the evidence of Sacchi, there was one very pleasing symptom well deserving notice, it was connected with the reception it had obtained, and to the mode in which a false estimation had been endeavoured to be given to it. It showed how the age was improving—how it was rising above the vulgar prejudices of a few years ago, against the French and their leader. He remembered the day when few persons would have ventured to bring forward a principal witness in any case, much less in one of this delicate nature, who had been a soldier of Buonaparte, who had served during many campaigns with him, and who had been promoted by that Corsican usurper—that revolutionary adventurer—that tyrannical chief: then a French hussar would have almost been considered another name for every thing that was profligate and abandoned. However, against the Queen of England he was thought a witness good enough; and, coming to England, he took upon himself the character of a gentleman; and he that had been once a common soldier in the French army, and afterwards a courier in the service of the Queen, was brought forward as a person on whose testimony the utmost reliance might be reposed. He (Mr. Brougham) did not object to him that he had been a soldier, though perhaps he did not think that the Italians in the French army, and especially those from the north of Italy, were usually the most scrupulous of mankind. Sacchi, too, dealt in his *double entendres;* besides, he had gone by three whole names and a diminutive; two of them were known, and one yet unknown, but by three names and a half had he gone. When he came into this country, and was within the four seas, with De Mont, he began his *double entendres;* and he was not satisfied with one any more than with one name: he had got into the habit of dealing in *double entendres;* and accordingly his first was, that he had come here in the service of a Spanish family; his second regarded a law-suit, which had occasioned his visit to England. He stoutly denied, however, that he received any pay from his present employers; yet having been very unwillingly turned away by the Queen from the low office of a courier or equery, he came to England, and lived like a gentleman of fortune. He resembled De Mont in another respect—they both showed the same want of connexion between their speaking and writing. He was asked how much money he had had at his banker's at Lausanne, and he answered 50 Napoleons. "Had you never any more?—Positively not." He was then asked whether he had never said that he had had more? What would have been the natural answer, if any man had ventured to put such a question to one of their lordships? What would have been the reply? "Certainly not;" because it had already been stated that no more

than 50 Napoleons were, in fact, at the banker's. A letter was then shown to the witness, and he was asked, whether he had ever said (for he, Mr. Brougham, was not allowed to ask whether he had ever represented) that he had been in a miserable situation, and had taxed himself with ingratitude, and wished to be restored to favour. He answered, never; and that he never had been in a destitute situation. The next question was, "Were you ever in a situation to require compassion? Never Did you ever ask any body to take compassion on your situation?—That may be so." "Are these letters your handwriting?—Yes." When the letters were read, it appeared in the plainest terms that he had taxed himself with ingratitude; and yet this honest man, this soldier of Buonaparte, sheltered himself under the word "say"—and because he had only *written* that he was in a distressed situation, he swore that he had never said it. Would any honest man think, that such a pitiful quibble would avail him under such circumstances? But their lordships would remember what passed afterwards; for he now came to a providential accident, if he might use such contradictory terms in compliance with the common understanding of them. He now came to an accident, which he called a Providence in favor of innocence, which was always the care of Providence. Sacchi was asked—"Why did you change your name?" and he replied—"on account of the tumult which happened, and which made me know I should run a risk." "When did you change your name?" The answer well deserved observation. "A year ago." When he gave his first reply, he did not recollect that the tumult at Dover took place in 1820, and that he changed his name in July, 1819, before he came to this country. This was a providential circumstance, by which conspiracies were detected, and without which every one of their lordships might be a victim to-morrow. He called upon the house to give due weight to his observation, and to mark how it was borne out by the evidence in page 159. The Attorney-General, very judiciously seeing its consequences, did not pursue this inquiry; but some of their lordships continued it. and thus a perfect picture was drawn of a shuffling witness, prevaricating and beating about the bush, to shelter himself from the consequences of an unlucky slip, by which the whole credit of his testimony was overthrown. The confusion, the embarrassment, the perplexity, of Sacchi on this occasion, could not have been forgotten. He was asked at what time he had changed his name? He answered—"Four or five days before I set out for England." "When was that?—In the month of July, last year. What was your motive for taking that name, at that time, at Paris?—To shelter myself against any inconvenience that might happen. What tumult had taken place at that time, to induce you to change your name?—I was warned that the witnesses against the Queen might run some risk, if they were known. Had you been informed that they had actually run any risk?—They had not run any risk then." An opportunity was now afforded, of which any honest witness would have availed himself, of explaining the whole fact, for his former question and answer [illegible]

this point were read over to him. Sacchi, however, had only involved himself in new difficulties, in endeavouring to escape from those he had already encountered; he stated, that while at Paris, a gentleman came, accompanied by Krouse, and told him, that it would be necessary for him to change his name, because it would be dangerous for him to come to England in his own. "Did he tell you that any tumult had taken place?—He told me some tumult, some disorder." "On what occasion did he say that tumult had taken place?—He told me nothing else." Being further pressed upon this point, he had resorted to the invariable expedient of witnesses, when driven into a corner, by stating, "I have repeated what that gentleman told me." He (Mr. Brougham) could not deny what Sacchi might have imagined: but he insisted that it was as impossible that any gentleman, known or unknown, could at that period have given him this information, as that any man should, by chance have written the Iliad. He was afraid that their lordships did not feel this point with the force it deserved; of course at the present moment, every body talked of tumults at home, on the arrival of witnesses against the Queen; but going back to July 1819, when Sacchi first changed his name, what man, in his most fanciful mood, ever dreamt that such a tumult would occur in 1820? In fact, it was nothing more than an invention by the witness to cover his retreat from a position in which he had been unwarily entrapped. It was only by such circumstances as these that perjuries were detected; and this led him to remark that if witnesses were convicted of untrue swearing on collateral points, how trivial soever they might be, it put an end to all their credibility in the main facts of the conspiracy. One of these main facts as far as related to the evidence of Sacchi and Rastelli, another discharged courier, was of a nature so disgusting and offensive, that he felt it difficult even to make the slightest allusion to it. Did their lordships think it very likely that any woman—he might almost say the most miserable prostitute discharged from Bridewell—would commit, in the face of the open day, what had been charged against the Queen by Rastelli? Would they believe, that with the knowledge that a courier was travelling by the side of the carriage, the blinds of which might be raised, the Queen would run the risk of blasting her character, even among the most abandoned of her sex, by going to sleep in the position described by Sacchi as that in which he had discovered the Princess and her chamberlain? But the credulity of the house must be stretched yet many degrees; for if it could persuade itself that this had happened once, it would be nothing to what Sacchi had sworn he had been in the constant habit of seeing, again and again. He (Mr. Brougham) appealed to their lordships whether this story had the smallest appearance of probability; whether, unless the parties were absolutely insane, such conduct could be accounted for. He was now saying nothing of the physical impossibility of the thing, at a time when the carriage was travelling at the rate of 9 or 10 miles an hour, over such roads as are found in that part

of Italy, with their hands placed across each other, while the parties were both fast asleep, and, of course, without any power over their limbs. To overcome this difficulty would require the evidence of philosophers, who had witnessed an experiment so new and so strange. The witness had not ventured upon any discription of the carriage, excepting that it had curtains: but what would their lordships say, if it should be proved to have been an English carriage, with glass and spring blinds? What if he (Mr. Brougham) showed, that the blinds could not be raised without opening the door to get at the springs upon the inside? and still more, what if he should prove that Sacchi was not the courier who went on that journey? He did not say that it was necessary for him to prove this; on the contrary, he denied that he was called upon to do so. Why had not the other side established their case, and if cast-off servants would not afford them a sufficient evidence, why had they not resorted to those still in attendance upon her Majesty? He again entreated their lordships to remember—for it was a cardinal point, that ought not to be forgotten—that an accuser was not relieved from producing sufficient evidence, because good witnesses were to be found on the side of the accused. He had no right to call upon the accused to produce those witnesses; for it was the business of the accuser to establish guilt, by all the evidence he could produce. But was there any other person in the carriage? "*Non mi ricordo*" was the answer of Sacchi, adopting the language of the celebrated Majochi: and this question was not put to him by surprise, nor was it a point that might have escaped his memory. It was a thing he could not have forgotten: he must have made the observation, whether there was any other person present, while the Queen and her chamberlain were lying there exposed. In the next place, after a person had witnessed such a scene, was it likely, that from that moment his lips should be hermetically sealed?—that he should never even whisper it to any person?—that he should never dream of confiding it to the willing ear of the gentle, romantic, and sympathetic De Mont? He had long enjoyed a soft intercourse with her both here and abroad! and if he never whispered it to her, it no doubt arose from that extreme delicacy which prevailed between them, to a degree unknown in regions less pure and refined. When the question was put to him, whether he had not related it to any one, he pursued that course which he thought most safe and best calculated to screen him from contradiction;—"I told it to people," said he, "but I cannot recollect any one to whom I told it." Did not any man perceive, that if such a thing had passed, and he had been an eye-witness of it, and had afterwards related it to any one, the witness could not have failed to recollect to whom he had told so it? He had now come to De Kress's story of what happened at Carlsruhe.

Earl GREY here interposed, observing that 4 o'clock, the hour appointed for adjourning, had arrived; and the learned counsel did not appear to have arrived near his conclusion.

The Earl of LIVERPOOL said, that if an extension of a quarter of an hour would have been sufficient for the conclusion, the house would *probably not* have objected to proceeding; but that in the present instance, did not seem to be the case.

The LORD CHANCELLOR added, that it would be impossible for counsel to do justice to the case, if they were limited within any specified time. He though it much better that the house should adjourn till to-morrow—Adjourned at 4 o'clock.

HOUSE OF LORDS.—WEDNESDAY, OCT. 4.

MR. BROUGHAM then resumed his speech:—He began by expressing his surprise at the description of the witnesses. It was most extraordinary, that with no want of care in getting up the case, and no want of sagacity in its preparation—for great display of skill and management appeared in all its parts—that with boundless resources to bring into play, those who had conducted it had chosen to select their testimony almost exclusively from one division of Europe. This was evident on merely reading the names of the witnesses; and it certainly argued a great want of the required talent in other countries, when those who had to look for qualified persons confined themselves so closely to one. Why such unfairness to different states, and such a contrast between the number from Italy and other countries? The whole of the Italian states appeared to be fully represented by deputies of the lower orders, it was true, or rather of the lowest. But on this side of the Alps he found a lamentable scarcity. From all the cantons of Switzerland only one deputy appears—only one nymph for the whole Helvetic confederation. In like manner, he found that the whole of the circles of Germany were also represented by one person, and that person was a German chambermaid. This was the more remarkable, as her Majesty had travelled through so much of that country. From the capital of Austria no representative appears: and from her Majesty's native country, where she was best known—from that country which had been her abiding place—there was also none: from none of the states of Germany in which her Majesty had resided did any one appear. In short, notwithstanding the great number of towns at which her Majesty stopped in her passage through Germany, only one person had arrived from that country, namely, the amiable Mrs. Barbara Kress, of Carlsruhe. Whether she was to be called a chambermaid, a cellar-maid, or a maid of all-work, it was not easy to determine, for there was great doubt as to her capacity: but as to her character there could be no doubt whatever. She, however, was the only German witness in support of the bill; and, save and except her Swiss colleague, the worthy Miss De Mont, the only individual, not an Italian, whom the gentlemen on the other side had thought fit to bring forward. He begged their pardon, there

were two great exceptions; but they were his witnesses, not their's, and he reserved them for the opening of his case. He came now to the consideration of the testimony of this German chambermaid, and here, as on former occasions, he found it necessary to resort to the witness herself for the evidence of her qualifications. Never, except in the case of the Queen, did an anxiety to fabricate evidence give rise to so much contradiction, and so completely defeat itself. This woman had, according to her own statement, been in the reputable and inexperienced situation of chambermaid of a German inn from her earliest years. If their lordships calculated the time from what she had stated in her deposition, they would find that she was just turned of 13 when she began to perform the duties of a chambermaid. In tracing her biography it would be found that she states she was then a servant with somebody, whose occupation she shows no disposition to disclose, but who turns out to be a small innkeeper. She had afterwards been in other places, though where it was not easy to discover, from the account she gave of herself; but it was worth while to consider the difficulty thrown in the way of extracting from her any satisfactory account of herself. She relates that she had been in such and such a place, with Mr. So-and-so—with a Mr. Merway. Occasionally, when asked in what situation she had been, she answered, a servant. She tried to sink her own occupation as well as the business of her master; but, when pressed, it finally turns out that, wherever she was, except for a short while when employed as a laundress at the palace of Baden, she had always been a chambermaid at an inn; and that, however often she changed her place, she never changed her station. But in the progress of her evidence she threw a little more light on her employment, and the nature of her pretensions. In particular, it appeared in what manner she had been induced to give evidence, and to this he entreated their lordships' attention, for, if there was a want of witnesses in Germany, it was from no want of agents in that country. And here he must observe, that if there should prove to be any fatal defect in the case, it must be attributed to the witnesses and their testimony, and not to want of diligence in the agents. It would be found that, in Germany, the agents had pursued the system regularly acted upon, with the usual activity and with the command of the usual resources. Whatever mortification he might feel on recollecting that Englishmen had been employed in the odious transactions of the Milan commission, it was some consolation to find that they had not gone the length of the German agents, who had indeed far outstripped his own countrymen in disregard of the means by which they sought to promote the cause in which they were engaged. In Germany the agents were persons of high distinction. He found, for instance, that Baron Grimm, the Wurtemberg ambassador, the minister of a country, the throne of which had been filled by the Princess Royal of England, had been most active. He found this Baron Grimm associated with a person named Reden, now the Hanoverian minister at Rome, and who had been appointed to succeed the worthy Baron Ompteda in

Brough.

capacity. This man had treated the Queen-consort of England, who, besides, was his Queen as much as she was their lordships', in such a manner as rendered it impossible for her Majesty to continue in the same place in which he resided, consistently with the respect due to her character. This Reden, Baron Grimm, and another person, with a long name, in the service of the Grand Duke, had been active and unscrupulous agents in the proceedings to which their lordships' attention was called. The worthy Baron had not scrupled to throw far from him all those feelings of decorum which were becoming in private life. It was, however, possible that, in the conduct of diplomacy, a minister might think himself justified for acts which no other individual would commit;—that it might be thought allowable in a minister to do that which would disgrace a private man; that things might honour him which would call down reprobation in private life; that he might obtain the favour of his employers, and what he called honours for actions which, had he not been a diplomatic agent, would have called down upon him infamy and dishonour. These men certainly acted as if they had felt in the manner he described; as if they thought that in their character as diplomatists they were men bound to do all things needful. And to whom all things were equally good. When Baron Grimm heard that the Queen was coming to Carlsruhe, he was living there in apartments which he had previously hired. On her Majesty's arrival he artfully gave them up. To accommodate her Majesty he kindly left his residence, and sought other lodgings. He changed his apartments for worse; courteously, but yet insidiously, resigning those in which he had lived to her Majesty. What would their lordships think of the Baron's politeness, when they found that the very moment the Queen left the apartments, he eagerly returned in pursuit of the secret business in which he was engaged? As soon as her Majesty departed, he and another agent, whose name was also mentioned by the witness, were seen, as Barbara Kress says, 'running up and down the rooms, prying into every corner, looking carefully at the furniture, and examining the beds, and performing all the degrading offices which he thought could please his employers, but which they would doubtless despise. Such was the conduct of these men, who demeaned themselves without scruple to the lowest offices. But, active as the Baron had been, regardless as he had been of his own dignity in the transactions in which he had been engaged, he had not consented to become a witness. He did not show the same boldness in facing their lordships as he had shown readiness in committing acts elsewhere which called down reprobation on his conduct. Here, however, the Baron was not forthcoming—here, where, if Barbara Kress spoke truth, he would have been a most important witness; for, having entered her Majesty's apartment the moment she left, he must have been able to corroborate the story told by Kress, respecting the state of the bed, if she had stated the truth. The Baron was, however, absent, and the only witness that could be found to speak to this extraordinary fact was the German chambermaid. On looking at the

evidence of this woman, some estimate might be formed of her motives for coming over to this country. She swears that she came to England from compulsion; but, on turning to the next page, it would be found that she was to be paid; or, in other words, to have a compensation for her loss of time. But she repeated only what had been put into her mouth: she had made no terms—had entered into no bargain express or implied. She looked to no payment for the evidence she was to give. This was her first story; but it afterwards came out that she had got a little payment, and the liberality with which it had been meted out was reluctantly wrung from her. Their lordships would find the part of her examination he alluded to in page 193 of the printed minutes. She was asked if ever she had been examined before, and she answered she had, at Hanover. The examination then ran thus:—

What did you get for going to Hanover?—I received a small payment just for the time I had lost.

How much was that small payment?—I cannot exactly tell; it was little, very little.

Thus, because the remuneration was so little, she could not recollect it. Being so little, it might have been the more easily recollected; but it subsequently appeared that it was not because the reward was little, but because it was great, that she forgot it. What would their lordships think, if it was found to be five times greater, ten times greater, than her ordinary wages at the inn? What if it doubled her whole yearly wages at the inn, perquisites and all? When such was the amount of the sum, would any person of common understanding place confidence in her testimony? Was she to be trusted in her statement of facts, who could not recollect receiving for a trip to Hanover and back again to Carlsruhe, which occupied only a fortnight, double what she could earn in a year—who, under such circumstances, said she could not recollect what *she* had received, because it was so little? Would any man place reliance on any story coming from such a source? She also positively asserted that she expected no reward. But it was surely enough to make that part of her evidence be pronounced false, to know that she must have expected a reward in future from her experience of the liberality of the past. The same equivocating manner followed her through her whole story. The way in which she described herself to have left one particular scene which she professed to have witnessed—her alleged message to the room of the Countess Oldi—her alleged care in convincing herself that the woman she saw was the Princess, when, if her business had been in the room of the Countess, she would have had no excuse for going into the other room so to convince herself—her assurance in answering the question that it was certainly the Princess whom she saw, when there were other women in the house, though Barbara Kress was the only one thought worthy to be brought here—all these things proved that she was not satisfied with [illegible] vinced that she had fulfilled the desire of a [illegible]

employers. He had mentioned to their lordships, that, to support the Carlsruhe scene, Grimm had not appeared here; but there were many others of the Queen's suite who might have been called, and whose absence argued strongly against the truth of the story. It was plain, from the manner in which Barbara Kress had given her evidence, and from the evidence itself, that she was not satisfied that the woman she saw with Bergami was the Queen. He must now again beg their lordships to recross the Alps with him, and, having dismissed the testimony of the principal performers, there remained little to do; the rest were mere make-weights, thrown in to give colour and consistency to the fanciful picture, and to all of whom the same general observations which he had yesterday submitted to their lordships on the nature of the whole testimony applied. Nothing was more remarkable than the general character and appearance of the witnesses. Their employments were generally of the lowest description, and, after all the pains which had been taken to give them a respectable appearance by new clothing, the total failure of these endeavours must have struck every one of their lordships. Two of those witnesses were sailors, and he wished to remind their lordships of these men's evidence. The facts to which they swore were of a nature which it was impossible to credit. Could it be supposed that the scenes they describe could have been attended with such publicity? It was impossible to conceive that any individuals possessing ordinary common sense would have voluntarily exposed themselves to the observation of 11 or 12 persons in the way these witnesses had sworn. And were witnesses to be believed who swore that, after seeing such extraordinary things, they never mentioned them? These assertions had almost rendered cross-examination unnecessary. One was asked if he ever spoke of what he had seen?—"Yes, once. Where?—At Milan, to the Commissioners. Did you never mention it before?—Never." It was the same with all the rest. When Rastelli swore to scenes too disgusting to be detailed—when he swore to abominations having taken place in the face of day which could not be described, and that, too, in a situation so unsheltered that it was impossible for him to turn his head without seeing them—he, like all the rest of the witnesses to these abominations, as if the relation between cause and effect in this singular case was wholly suspended, had never opened his mouth on the subject; his lips had been hermetically sealed till he was called on by the commission at Milan. Through ten long months that witness was silent. Was he a hermit all this time? Was he living the life of a recluse? Was there no mortal ear in which he could mention it? Was there no man, woman, or child, to whom he could whisper it? To the latter, perhaps, he might not be expected to mention it; but had he no friend, no brother, no mistress, no common passenger, to whom he could mention it on the lake? Was it to be believed that no communication of such a scene would have been made, had it been true? He would show, by evidence, that the boatmen of the lake had been induced to tell stories, which they admitted had no foundation in truth, in consequence of the rewards they received

from passengers. Was it credible, then, that Rastelli would have been so reserved if he had any thing to tell? Was there one even among their lordships, whose lips were schooled to enact the courtier even when no court was present, who would not have repeated it to some one or an other? He professed he knew not even a private gentleman, who, being under no obligation to conceal it, who, not being under the seal of secrecy, would not have made wiser those persons whom he might next have chanced to converse withal. Yet these low persons, so different from the upper ranks, are so discreet, are so much more upon their guard, feel themselves living among persons of so much purity, that the mention of such facts would have crimsoned their cheeks with the glow of offended delicacy. They never mentioned a syllable of what they had seen to any living being. Was this probable? Was it to be believed? The Princess was described to have been seen kissing Bergami in a boat on the Lake of Como, as often as the wind blew on it. She was seen riding in a carriage in a situation which could not be mentioned without a blush. The facts witnessed were so striking, so unheard of, so frightful, so portentous, that, if really seen, it was impossible for the beholder to remain silent a single day. But days, weeks, and months, passed away, and nothing was said on the subject till the parties were called before the Milan commission. It was then, for the first time, that the lips of these persons were unsealed. But he would not admit that they concealed these extraordinary things for weeks, days, or even hours. He believed they had concealed it from the time when it first crossed their imaginations to act the part they had performed, from the time of their hearing that others had been liberally paid for slanders, and, resolving to imitate their example until they repaired to Milan; but the concealment was no longer than the journey demanded to the place where they expected to obtain the reward of their perjury. In all this their lordships would perceive there was no variety. There was in this respect a general sameness in the conduct of these witnesses. In other respects there were differences which it might not be improper to notice. Did their lordships recollect the waiter from Trieste, Cuchi? But they could not forget his aspect, if they had his name. Did they not recollect that physiognomy—the never-to-be-forgotten expression of that face,—those eyes, that nose, that lecherous mouth, with which the wretch stood there to repeat the faslehoods, the wicked suggestions of his own filthy imagination, to which he had sworn at Milan? Would they not for ever remember that hoary pander from Trieste—the manner in which he told his story—the haggard look which gave him the appearance of an inhabitant of the infernal regions, and which must have reminded their lordships of the great Italian poet's description of a broad-faced tailor in Hell peeping and grinning through the eye of a needle? But the testimony of that wretch would be contradicted. He, at all events, should be punished. There were also others that could be reached, but that man certainly should not escape. It would be shown, by evidence above all suspicion, that he had sworn to falsehoods. It would

be proved, *from* the nature of the room and the situation of the doors, that what that man had so solemnly asserted could not be true. Taking even his own account of the room, it would be shown that his story must be false. It could be proved that the Queen slept only one night in all her life at Trieste; that, on the evening she arrived there, she went to the Opera, as that witness had stated, which was the only instance in which he had spoken truth. Her Majesty left the place next day, and never returned, so that she had only once in her life crossed the gates of Trieste. He would now dismiss those witnesses without further observation. He had shown them by sample, and the sample was sufficient to satisfy their lordships of the quality of the remaining part of the filthy cargo. Then came the truly foolish stories of a picture, and of chamber ornaments, introduced for the obvious purpose of varying, and adding some little diversity of decoration, to a wearisome and thrice-told tale. Whether *Iachimo* was the original offspring of our great Shakspeare's mind or not, their lordships would readily recognize more than one of the witnesses, but one especially, as the own brother of *Iachimo*. How had he represented himself when most deeply engaged in *contrivances against the honour of "a Princess of this fair isle?"*

"*Away to Britain*
" Post I in this design: well may you, Sir,
" Remember me at Court; being there quench'd
" Of hope, not longing, mine Italian brain
" 'Gan in your duller Britain operate
" Most vilely for my 'vantage, excellent.
" And I did wound belief in her renown
" With tokens, thus and thus; averring notes
" *Of chamber-hangings, pictures, this her bracelet;*
" And, to be brief, my practice so prevailed,
" That I returned with similar proof enough
" To make the noble Leonatus mad."

An endeavour had been made here, as then, to substantiate two different cases by similar marks and tokens. Having thus disposed of evidence that ill deserved so much of their lordships' attention—having commented within narrower limits than he should have assigned under other circumstances to his observations on such a tale, he had to solicit their attention to one or two other of the more remarkable features of this evidence. He should indeed be guilty of a gross abandonment of his duty if he did not claim, in a question of this kind, those advantages for his illustrious client which would be yielded as matter of right to any other individual. This was not indeed a regular bill of indictment; it was a charge thrown into the shape of a bill of pains and penalties, and it was on that account that he conceived himself to be justified in requiring evidence of the most indisputable character. Now then for a closer investiga-

tion of the nature and character of that evidence. The Neapolitan scene was, he apprehended, the first to which the testimony of any witness called for the prosecution, applied itself. Here, at least, the offence was supposed to have been brought to its completion—here it was represented that after a courtship of about one fortnight the last guilt had been incurred. Here was the story of a Princess, of life previously unimpeached, of character raised, brightened, and purified, by a former investigation, described as sinking all at once into an abyss of shame and infamy. If there were truth in evidence, or benefit in acquittal—if certainty or conviction were to be derived from repeated inquiries—the previous conduct of her Majesty stood fair in the eyes of the whole world. It had undergone two solemn examinations, it had come forth so pure from the ordeal, that when one set of ministers advised a censure upon what they called "certain levities," their successors, dissatisfied with that advice, recommended the expunging of the censure, and her public reception at court by her uncle and father, as a person adorned by every virtue and accomplishment that could add grace or dignity to royal life. This, he would also beg leave to remark, was a recommendation sanctioned by some persons who were now thought to be by no means unfavourable to the present bill. According to the statement now produced, her Majesty had indeed observed the most correct demeanour up to a certain period of her residence in Italy. She at length, however, hired a servant, of whom he should afterwards have something to say. With this servant she was represented as travelling to Naples, where her degradation was complete. Here, according to the story told on the other side, did this illustrious matron, this "fair Princess of our isle," condescend to become the favoured mistress of a menial lover. Here did she engage in scenes and acts that never yet marked the conduct of any woman who had not been long sunk in a course of profligacy. He doubted, indeed, whether any course of profligacy could so inure the human mind to shame, so steel it against the common apprehensions of discovery, as to lead to the real exhibitions which had been so minutely recorded at their lordships' bar. How could they reconcile conduct so incautious with any of the known principles of human action? How were they to believe the romantic tale of a Princess resorting to the bed of her menial servant, quitting her own room in the middle of the night, and shaping her course to her paramour, not by the way through which she might have passed without observation, but through a room where it was next to impossible that she would not be exposed to the gaze of another menial servant? It was in evidence that she might have found a different way to her supposed destination—namely, by avoiding the corridor—and have so escaped the observation of any human eye. He would then invite the attention of their lordships to another most important circumstance. What were the preparations for this indulgence in guilty joy? What was the scene of these early loves? All concealment was described as having been laid aside, and the parties 1so described as acting under the influence of a violent and domineering

be proved, from the nature of the room and the situation of the doors, that what that man had so solemnly asserted could not be true. Taking even his own account of the room, it would be shown that his story must be false. It could be proved that the Queen slept only one night in all her life at Trieste; that, on the evening she arrived there, she went to the Opera, as that witness had stated, which was the only instance in which he had spoken truth. Her Majesty left the place next day, and never returned, so that she had only once in her life crossed the gates of Trieste. He would now dismiss those witnesses without further observation. He had shown them by sample, and the sample was sufficient to satisfy their lordships of the quality of the *remaining* part of the filthy cargo. Then came the truly foolish stories of a picture, and of chamber ornaments, introduced for the obvious purpose of varying, and adding some little diversity of decoration, to a wearisome and thrice-told tale. Whether *Iachimo* was the original offspring of our great Shakspeare's mind or not, their lordships would readily recognize more than one of the witnesses, but one especially, as the own brother of *Iachimo*. How had he represented himself when most deeply engaged in contrivances against the honour of "a Princess of this fair isle?"

" Away to Britain
" Post I in this design: well may you, Sir,
" Remember me at Court; being there quench'd
" Of hope, not longing, mine Italian brain
" 'Gan in your duller Britain operate
" Most vilely for my 'vantage, excellent.
" *And I did wound belief in her renown*
" *With tokens*, thus and thus; *averring notes*
" *Of chamber-hangings, pictures, this her bracelet;*
" And, to be brief, my practice so prevailed,
" That I returned with similar proof enough
" To make the noble Leonatus mad."

An endeavour had been made here, as then, to substantiate two different cases by similar marks and tokens. Having thus disposed of evidence that ill deserved so much of their lordships' attention—having commented within narrower limits than he should have assigned under other circumstances to his observations on such a tale, he had to solicit their attention to one or two other of the more remarkable features of this evidence. He should indeed be guilty of a gross abandonment of his duty if he did not claim, in a question of this kind, those advantages for his illustrious client which would be yielded as matter of right to any other individual. This was not indeed a regular bill of indictment; it was a charge thrown into the shape of a bill of pains and penalties, and it was on that account that he conceived himself to be justified in requiring evidence of the most indisputable character. Now then for a closer investiga-

passion. *It did, however, happen,* that the bed on which Bergami was resting, and *to which* the Princess so repaired on the second night after her *arrival at Naples,* was a *travelling-bed,* a couch framed on an iron bedstead, and *intended for use only on occasions of travelling.* In every other room of the house, in the apartment itself of her Royal Highness, there was provided an easy, a comfortable place of repose. Her Royal Highness's bed was nevertheless left untouched. To be sure, M. De Mont had wavered a *little* on this subject in her cross-examination by his learned friend, Mr. Williams, as compared with the leading examination (and he meant no personal offence) of the Solicitor-General. She did not seem to be in perfect charity with his learned friend, who did conduct his operations in such a way as to lead to some slight alteration, and to induce the lady on the third day to admit that her recollection was a little mended. She at length, in answer to certain questions, gave rather a different complexion to the story from that with which Signor Majochi had invested it. In the first instance the chambermaid related *that the Princess's bed did not* appear in any great disorder, or to have been much tumbled *on that occasion. Their lordships were subsequently informed by her,* that the bed did *appear impressed in the centre by the figures of two* persons, and that there were certain *stains.* Now he would put *it* to any man whether it was likely that, if such facts were truly within her recollection, they would not have appeared on the examination in chief; whether they would have been left either to the ingenious mode of detection adopted by his learned friend, or to the general inquisition of their lordships? But the Queen was also represented as having been previously in a state of considerable agitation, and as having, for the first time, stopped the admission of Billy Austin to her *bedchamber.* *He would show to them, however,* that her Majesty was at the Opera that night, *and that Billy Austin had long possessed* his séparate chamber, although never excluded from that of his royal benefactress. He was accustomed to enter it whenever he pleased—it was *open,* it was accessible to him on the evening in question. The whole of De Mont's evidence was plainly intended to support the fact of positive adultery—to persuade their lordships of a really criminal intercourse having taken place. There was something very remarkable in that passage of her statement which referred to the appearance of certain stains on the coverlet of the Princess's bed. It was scarcely uncharitable to suppose that she well *understood tokens* of that description, that her memory was disciplined *so as* to aid her invention when taxed on such a subject; *because one* unskilled in that kind of learning *would not have so carefully* noted the circumstance: it would indeed, in that case, have escaped her attention as the idle wind that blew over her head. The next important scene was one to which the same witness was equally particular in her deposition, refusing only to commit herself *to* dates. She, whose recollection was so wonderfully accurate as to all other matters, did

not feel quite confident in this respect. The circumstances, indeed, divested of their relation to time, were stated positively enough. They had Bergami naked in the corridor, without stockings or even a morning gown, there meeting the chambermaid, not retiring at her approach, nor she at his; but pursuing his course with a steadiness of pace, and a firmness of composure with which few wedded men sought their legitimate and bridal couch. So extraordinary a statement could not easily be obliterated from the recollection of their lordships. In referring them to page 251 of the printed evidence, he did but remind them of what they had not possibly forgotten. If they passed on to the occurrences at Catania, they must also be struck with some surprise, that when it was open to the Attorney-General to call two witnesses to the same fact, he should have contented himself with one. "Two servant maids," said he "were sitting in the room next to that of Bergami, both saw the Princess come from Bergami's room at an early hour, and they heard a child cry in that of the Countess Oldi;" in other words, both knew and had watched all that took place. How, then, did it happen that only one of these individuals was called by the Attorney-General? No intimation was given, that they had ever communicated together, or that the falsehood was of joint production. One only was called, and what was the amount of her narrative, admitting for a moment all its multiplied improbabilities? Bergami slept in a room not adjoining to, or communicating with, the Princess's apartment, separated from it by a court which formed the centre of the building. This was the case whilst he was in good health, but he became sick—he was visited by a severe fever. It was then that he was brought from the room which he had previously occupied, to that of the Countess Oldi. Singular scene for the carrying on of an amour—singular occasion for the exchange of mutual endearments! It was not when he was in health, but when he was sick, when he lay more as a patient than a lover, that her Royal Highness was described as bending amorously over his couch. To him it appeared difficult to conceive an opportunity worse selected for the accomplishment of the supposed end—circumstances or a scene so perfectly embarrassing. Under the arrangement as set forth in this evidence, the Princess was obliged to pass during the night by the room of her two servant women, in order to reach that of Bergami. A woman of ordinary prudence, having a similar object in view, and in possession of the means of altering the occupation of the different rooms, would have selected apartments contiguous to each other. By disposing of them differently, the servants might have been removed to a greater distance, and the intercourse between the Princess and Bergami might have been carried on without interruption or discovery. With a very little foresight those servants might have been kept from approaching the threshold of these chambers. But, if they were to believe the representations made to them, her Majesty had been all along engaged in a conspiracy against her own happiness, comfort, honour, and existence. It had been the uniform tendency of her

tactics to multiply damning proofs against her own character. She had studiously consulted, courted, her own ruin. But he had been told that he might contradict this testimony by producing Marietta De Mont. She, he was told, might possibly show that it was a foolish and incredible tale to describe her Royal Highness as never doing one single act that had not a direct tendency to injure her own interests, and tarnish her own reputation. He would, however, contend confidently, though with all humility before their lordships, that it was incumbent on those who instituted this prosecution, to have led that witness to the bar. She was, according to every rule of judicial inquiry, their witness. There was no Judge who would dispense with her evidence on any criminal proceeding. Here the exigency of decisive, conclusive, incontrovertible proof. was greater than upon any criminal prosecution conducted by the forms of law, To support a bill of pains and penalties, every ordinary rule, every principle of judicature, became more important. They who were placed in the situation of defendants by a measure of that kind had to complain, not of accusation, but of oppression. If justice reigned in that place, the obligation of producing Marietta, and of opposing her testimony to that of her sister, could not be cast on the defence. No such proceeding would be admitted in any case affecting life or limb. Let their lordships put, for a moment, the case of a civil suit, of an action of debt, and remark how clearly the law distinguished between the trials of questions relating to property, and those which imposed penal consequences. It would not be necessary for him, in establishing his claim of debt, to call the clerk or servant of his adversary; but, if he charged a criminal offence, he was bound to produce the very best evidence of which the question would admit. Even though connected with the adverse party, no individual possessing knowledge of the subject-matter could be dispensed with, if there was any practicable mode of obtaining his testimony. Suppose the trial of a highway-robbery: their lordships well knew that the account given of the transaction by a Bow-street officer, perhaps panting for his reward, would not be deemed sufficient. Neither would the evidence suffice of an accomplice tainted by his own confession, or of a spy degraded by his vocation. On the contrary—if the party's own friend, acquaintance, servant, or any person other than his wife, had witnessed the facts stated on the record, that individual must by called for the prosecution. He would venture to assert that no English judge would suffer any man to be placed in jeopardy of his life without this precaution. The prosecutor was bound to call every sort of unsuspicious evidence that was accessible to him. No person in the character of a defendant ought to be required to produce the relations of the witnesses against him. It was a fundamental principle of English law, as well as the obvious dictation of common sense, that every one should be presumed innocent till guilt was fairly proved. Their lordships could not fail to perceive that her Majesty was in a most singular situation. After all that she had suffered and passed through,

it was impossible that she should not open her mind to some construction of the motives by which those about her were actuated. It would not be surprising if in some instances she formed an uncharitable judgment. The long period during which her oppressions had continued, the manner in which she had been so often surrounded and betrayed, the hidden artifices scattered beneath her feet, might have naturally awakened in her mind suspicion and distrust of all who approached her. After fostering those who now attacked her, after her experience of the Omptedas, the Grimms, the Radens, and, above all, after this new process, it would be extraordinary if suspicions did not find their way into an otherwise unsuspecting heart It was not easy for her to distinguish between enemies and friends, it was possible that she might even now be cherishing another viper. The case was, however, left short by the Attorney-General, and on her Majesty's behalf, they were driven to the necessity of supplying its defects. Her Majesty had all alone corresponded with Marietta, with the sister of De Mont; she knew nothing to the prejudice of her character; and, let the result be what it might, Marietta would be presented at their lordships' bar. He would not say that this was prudent; he knew it was not essential to the defence. It had been said, too, by a great authority—by him "who fulmined over Greece" in words of fire, that "the best security of a feeble heart was not to be found in any outworks, or ramparts, or safeguards raised by the hand of man against the fradulent or the powerful, but in mistrust; and that this was a feeling implanted by Nature herself, for the preservation of innocence." Against agents and spies so unscrupulous as the Omptedas, the De Monts, and the Sacchis, some degree of circumspection was most needful. Their lordships would likewise admit that there was no obligation on their part to bring forward the testimony to which he was alluding. Had the professional advice of himself and his learned friends been called for, they might perchance have felt it to be their duty to awaken suspicions were none at present existed. Her Majesty, however, had seen no reason to doubt the motives or character of a faithful servant, and this servant would therefore be produced. It was at the same time manifestly gratuitous on the part of her Majesty; it was an act that could only proceed from conscious innocence. He would now draw their attention shortly to the transactions at Charnitz. Incredible as they were, he should have passed them over in silence, had they not appeared to make a transient impression on the minds of some among their lordships. De Mont had sworn that the whole night subsequent to Bergami's bringing the passport was passed by him in her Royal Highness's chamber. This was false—he should disprove the whole representation, and show that she commenced her journey within an hour and a half after the arrival of the passport; that this time was indeed scarcely sufficient to pack up, and mature the preparations. She lay reclining on her bed, in a travelling dress, and with the room door open, during this whole period. So at Carlsruhe she would be shown at a music party, and proved to

statements opened to their lordships; she could have spoken to the passages in the rooms mentioned. Could she have spoken to the beds?—She made them. To the linens?—She had the care of them. Who washed the linens?—The washerwoman might be an Italian for aught he knew. The learned gentlemen on the other side knew well the importance of a washerwoman's evidence; they had seen by experience the effect of it, in proving charges like the present. They knew the effect of it by experience of its importance in the Douglas plot. They knew by experience that, if such a witness could have stood a cross-examination, this plot could not have failed. Was he to be told this was not a case of adultery? Why, what meant the evidence offered if it was not a proof of adultery? He needed to say no more to prove that the whole case failed; for their lordships ought not to compel him to refute a case brought forward and supported as this was. But, if they believed the evidence, it was as clear a case of adultery as had ever been known in Westminster-hall. If they believed De Mont—if they believed Majochi—if they believed Sacchi, they could have no doubt of the adultery having been committed. If they believed Sacchi, when he said that he had seen Bergami twice going to the bedroom of the Princess of Wales and remaining there, they could not doubt that adultery had been there committed. If this was true, then the Queen was worse than Messalina, or as bad as Marie Antoinette was represented to be when the Jacobins of Paris covered themselves, even themselves, with complete infamy, by the charges against their Queen. Another remark he had often heard made upon the case against her Majesty, and the observations offered in reply to that case; —"O," said some acute sifters of evidence, "O, you have damaged the witness only by proving falsehoods in unimportant particulars." This remark could not come from law-lords, who could not fail to see how ridiculous such an objection must always be. He granted, indeed, that if the object were to confirm an informer, the confirmation must extend to important parts of his testimony; and a confirmation as to some slight circumstance would deserve no weight. But it was quite the reverse in pulling down a perjured witness, or a witness swearing falsely. If that witness's testimony was false in the least particular, that falsehood destroyed the whole credit of the testimony. Could it be said that they ought to believe part, and to disbelieve part, of a witness's testimony? He would admit, indeed, that there might be parts which the witness of truth might be ignorant of, or which he might have forgotten; and that by separating mere mistakes of ignorance or forgetfulness, and culling the parts that were sworn to from knowledge and correct recollection, they might obtain evidence to be relied on. But if a witness swore not only what was not true and not correct, but had falsely sworn what could not be true—if a witness swore to his own invention—if he swore, to use plain language, a lie, in any particular, however unimportant—good God! what character was safe? What escape remained for the purest innocence from the toils of an enemy, or the fabrications of a conspirator, if they believed one word of such a witness's tes-

timony, and separated the lie from the other part which rested on the credit of him who fabricated the lie? What person could be safe from mercenary and spiteful villains? One of their lordships might be charged with a crime that nature abhorred—a crime of the greatest horror to his mind, and the greater in proportion as his mind was alien from the very thought, and his feelings alive to the infamy of the bare supposition. The best and most distinguished of their lordships might to-morrow be placed in the situation of one so charged, and must be convicted if a perjured scoundrel was to be believed upon such a principle of selection and separation of evidence. If one of their lordships were so charged with a crime which in this country was held in such abhorrence, that even the charge, contrary to strict justice, destroyed reputation before trial, he must forfeit his reputation if the charge should be supported as it might be, and the principal part of the testimony were believed. No perjury could be detected in the principal circumstances. All the skill and experience of the ablest counsel might attempt such detection in vain. The accuser had only to take care that only one person should speak to the chief part, to choose his time, and to select his place. Where contradiction could not be offered, by choosing the time and selecting the place where one of their lordships might have been, refutation would be rendered impossible, prevarication unlikely. But before any court the accused would be acquitted if the villain told a clear unimpeachable story of the principal circumstances, and yet told the least falsehood on the most unimportant particular. He asked, then, for the Queen, no other justice: he desired for her Majesty no other security but that which their lordships would require, and be entitled to, before any other court. He was told their lordships would be aware that the situation which Bergami originally occupied in the service of her Majesty, compared to the sphere in which he afterwards moved, was of itself matter of suspicion. He need not tell their lordships that such promotion was neither uncommon nor suspicious in itself; indeed, there was nothing more common than showing favour to meritorious service, by promoting the servant to higher offices. It would not be said that every man ought to be confined and chained to the lowest lot in which he happened at any time to find himself. God forbid that we should live to see the time when all situations in this country, except the highest, were not open to all. But if promotion in the present instance could be objected to, objections could be made to all promotions. At the same time the rapidity of Bergami's promotion was greatly overstated; and, in the manner in which it took place, afforded a convincing proof that the story of love having been the cause was utterly false. Let them believe Majochi and De Mont, and three weeks after Bergami entered her Majesty's service, he was admitted to her bed. But how did he board? He continued in the situation of *courier;* he dined with the servants, and not even with the chamberlain. At Genoa it was proved that he had not dined with her Majesty. But suppose he had sat at the table, still he

continued a courier; and it was only on the eve of the long journey which her Majesty took, and during the familiarity of a journey to Mont St. Gothard, that he was promoted; and then he was only promoted to travel in a chaise, which he occupied alone, instead of riding on horseback. Then he was at last promoted to sit at her Majesty's table. This was sufficient to show the utter falsehood and absurdity of the case attempted to be set up. The amorous, imprudent, insane Queen—for so her Majesty was described—was entirely subdued by her passion for a person who exercised all this power, for weeks, and months, and years, in a menial capacity! This was not the rapidity and haste with which Love promoted his favourite votaries. It much more resembled the slow progress with which merit rose in this world. So much for the manner in which Bergami was promoted. But Bergami had not risen from the low origin which had been described. His father had been in the situation of a proprietor of moderate income in the north of Italy, and had got into difficulties, as many gentlemen in that part of the country had then done. The son sold the property to pay his father's debts, and thus became reduced; but still he was a reduced gentleman. At General Pino's he was received as such, and recognised as such. He dined at General Pino's table while he was a courier; he dined at his table in the Spanish campaign. He associated with gentlemen, and he was esteemed by all with whom he associated. An Austrian nobleman in the Milanese proposed him as a courier to the Queen's chamberlain, and he was hired by the chamberlain without the knowledge of her Majesty. The Austrian nobleman had fairly confessed that he expected Bergami would be promoted, because he had formerly seen better days, and he was of an honorable mind, and his ideas belonged to his former rather than to his latter days. Bergami was, indeed, employed first as a courier, and necessarily so employed before he could be promoted to be her Majesty's chamberlain. He mentioned this, not as essential, for he conceived that he had already disposed of the case, and proved that there was not one single fact before them upon good and credible testimony; but he mentioned this, because the conduct of the Queen had been scrutinized, to show that no impropriety existed where guilt was charged. If the Queen had lowered her dignities, and had fallen into impropriety if not guilt; if her Majesty had been guilty of unworthiness, he could stand on higher ground. Guilt there was none; impropriety there was none; unworthiness there was none. But if there had been guilt, impropriety, or unworthiness, he would have appealed to what always supported the good in the hour of trial—he would have appealed to her Majesty's former course of life. There was not a person among their lordships who would not bear the testimony that he could offer with the utmost respect. From the most powerful of all who had had means of knowing her Majesty's former course of life, from our late revered Sovereign, he held in his hand a testimonial which could not be read without sorrow. It was a melancholy proof of her Majesty's con-

duct—melancholy, because he who gave it was no longer among us; but it was a *proof given by him who knew her better* than any, and who loved her better *than the rest of his family*: although there was in the family one on whose *love and affection* she had stronger claims. It was painful to perceive *the sense which his late Majesty* entertained of the conduct of others towards his daughter-in-law and niece. The letter to which he alluded he begged leave *to read*:—

" Windsor-castle, Nov. 13, 1804.]

" My dearest Daughter-in-law and Niece,—Yesterday I and the rest of my family had an interview with the Prince of Wales at Kew; care was taken on all sides to avoid all *subjects of altercation or explanation*; *consequently* the conversation was neither instructive nor entertaining; but it leaves the Prince of Wales in a situation to show whether his desire to return to his family is *only verbal* or real,—(the difference between verbal and real was a difference which Geo. III. never knew)—which time alone can show. I am not idle in my endeavours to make enquiries *that may* enable me to communicate some plan of the advantage of the dear child for whom you and I with so much reason must interest *ourselves; and its* effecting my having *the happiness of living with* you is no *small incentive to* my forming some idea on the *subject*: but you may depend upon *their not being decided upon without* your thorough and cordial concurrence; *for your authority* as *mother it is my object to support. Believe me at all times*, my dearest daughter-in-law and niece, your most affectionate father-in-law and uncle, " GEORGE R."

This was the opinion of that good man, of a man not ignorant of life, and no mean judge of human character, of the fitness of her Majesty for the care of his grand-daughter. *He might now read another letter*, from the *illustrious successor* of George III.; it was not written *in the same tone, it was not indicative* of the same regret and confidence—it was not *indicative of* the same *regret*, but it *was by no means indicative of want of confidence*, or of a *wish to impose trammels* on her to whom it was addressed. But this letter was known to their lordships. It expressed, indeed, a desire to live separate, and it contained a plain indication that her conduct, at least, would not be watched with the rigorous vigilance of scrutinizing agency on which this case was founded. The learned counsel here read the letter:—

" Windsor-castle, April 30, 1796.

" MADAM,—As Lord *Cholmondeley* informs me that you wish I would define, in writing, the terms upon which we are to live, I shall endeavour to explain myself upon that head with as much clearness and with as much propriety as the nature of the subject will admit. Our inclinations are not *in our power*, nor should either of us be held answerable to the other, because nature has not made us suitable to each other. Tranquillity and *comfortable society* is however in our power; let our intercourse, therefore, be restricted to that, and I will distinctly

subscribe to the condition which you required (a condition which she never required nor even alluded to) through Lady Cholmondeley, that even in the event of any accident happening to my daughter, which I trust Providence in its mercy will avert, I shall not infringe the terms of the restriction by proposing at any period a connexion of a more particular nature. I shall now finally close this disagreeable correspondence, trusting that, as we have completely explained ourselves to each other, the rest of our lives will be passed in uninterrupted tranquillity.

"I am, Madam, with great truth, very sincerely yours,

(Signed) "GEORGE P."

He (Mr. Brougham) did not term this, as it had been termed, a letter of license. That was a term applied to it by those who [illegible] were now no more. But it could not fail to be matter of wonder to those who read this letter that her Majesty had been watched with [illegible] a rigour that increased as the parties advanced in life—[illegible] beset with such unconstitutional, [illegible] espionage. Such, then, was the case before their lordships. He [illegible] to call their attention, at the risk of fatiguing by repetition, to the two [illegible] points of defence which he hoped their lordships would never dismiss from their minds:—first, that the case was not sustained by witnesses [illegible] call whom there was no pretence [illegible] the second point was, that every one witness that had been called was [illegible]. How [illegible] could plots be discovered? [illegible] first failed. When persons in [illegible] characters, were put to give evidence in support of [illegible] nocent must despair; escape became impossible, unless [illegible] the evidence—unless the testimony of the witnesses [illegible] unless some points, [illegible] fabrication to rain and [illegible] tion of this, which was to be found in a great passage in the [illegible]. He called it a great passage, because it was full of instruction, [illegible] because it was eloquent. The two [illegible] their object and well arranged. They [illegible] their innocent victim towards [illegible] pose of unjust judgment, or from giving a [illegible] lihood was [illegible], and their victim was [illegible] of a [illegible]. This was a case [illegible] This little circumstance was of the [illegible] Providence of Heaven made use of [illegible] him, and Daniel's [illegible] to be one of the [illegible] to the [illegible] bright [illegible] the [illegible] the Bengal [illegible]

you, and such is the evidence by which it is attempted to be upheld. It is evidence—inadequate, to prove any proposition; impotent, to deprive the lowest subject of any civil right; ridiculous, to establish the least offence; scandalous, to support a charge of the highest nature; monstrous, to ruin the honor of the Queen of England. What shall I say of it, then, as evidence to support a judicial act of legislature, an *ex-post facto* law? My lords, I call upon you to pause. You stand on the brink of a precipice. If your judgment shall go out against your Queen, it will be the only act that ever went out without effecting its purpose; it will *return to you* upon your own heads. Save the country—save yourselves. Rescue the country; save the people, of whom you are the ornaments; but, severed from whom, you can *no more live* than the blossom that is severed *from* the root and tree *on which it grows. Save the country, therefore, that you may continue to adorn it—save the crown, which is* threatened with irreparable *injury*—save the aristocracy, which is surrounded with danger—save the altar, which is *no* longer safe when its kindred throne is shaken. You see that when the church and the throne would allow of no church solemnity *in behalf of the Queen*, the heart-felt prayers of the people rose to Heaven for her protection. I pray Heaven for her; and I here pour forth my fervent *supplications at the throne of mercy* that mercies may descend *on the people of this country richer than their* rulers have deserved, and that your hearts may be turned to justice!"

EVIDENCE

IN

DEFENCE OF THE QUEEN.

On the conclusion of Mr. Brougham's Speech, and some further observations of Mr. Williams, which together occupied three days, the Counsel were ordered to call in the evidence for the Defence; upon which Colonel Roller St. Leger was called. This first witness for the defence stated, that he had been Chamberlain to the Queen, and had continued so from the year 1809 to the year 1819; that he accompanied Her Majesty to Brunswick in 1814, and that the Queen had then the consideration to dispence with his further attendance on account of his infirm health; that he understood Her Majesty was to proceed from Brunswick through Germany and Italy. He had called on her Majesty to pay his respects since her late return, and had then resigned his situation of Chamberlain; his motive for resignation being his ill-health.

The Earl of Guilford, the second witness, was then called.

His Lordship deposed, that he visited the Queen at Naples in the spring of 1815, at the time that her suite consisted of Lady Charlotte Forbes, Sir William Gell, Mr. Keppel Craven, and Dr. Holland; and he remembered that Bergami was then with Her Majesty as a Courier. From Naples Her Majesty went to Rome and thence to Civita Vecchia, where she stayed five or six days, before embarking for Genoa. His Lordship dined with Her Majesty both at Naples and Civita Vecchia. At Naples [illegible] was visited by the Nobility; and his Lordship dined with a large number of them, when he dined with the Queen in that city. At Civita Vecchia Her Majesty [illegible]

by females of rank and character, and particularly by the ladies of the family of Falconet, a lady and her two daughters. They always dined at the Queen's table, both at Naples and Civita Vecchia, and Lady C. Forbes, and Lady C. Lindsay were of the same party. His Lordship and Lady C. Lindsay accompanied Her Majesty on board the Clorinde; they disembarked at Leghorn and proceeded with Her Majesty to the Villa d'Este on the Lake of Como; his Lordship then dined at the Villa, Bergami was at table

Being cross-examined, his Lordship stated that he did not remember whether Bergami waited at table on board the Clorinde; he rather thought he did; he did wait at table at Civita Vecchia. Lady C. Lindsay was Lady of the bed-chamber; she was so from 1815 to 1817, when she resigned. His Lordship remembered the Countess of Oldi. He thought her rather genteel than otherwise; she spoke good Italian, but with the accent of Lombardy. His Lordship accompanied the Queen over her grounds. She did not go with him, but lent him her jackass to ride. His Lordship remembered having an Albanian Servant at that time; he could not say whether this Albanian did not go aside with the Queen, he could not recollect that he saw the Princess walking with this Albanian. He remembered a grotto on the grounds; he did not see the Princess and this Albanian there; he had never said that he had seen them.

In a further examination by the Peers, his Lordship stated, that he never saw any thing indecorous or improper in the conduct of the Princess towards Bergami, or any one else, and that he thought the Countess Oldi an inoffensive, quiet gentlewoman.

Lord Glenbervie, the third witness, deposed, that Lady Glenbervie and himself had visited the Queen at Genoa, in March 1815, and had frequently dined with her; that he saw no impropriety or indecorum whatever

in her conduct. *Bergami was in attendance* on her as a servant, but witness saw nothing remarkable, nothing even noticeable, in her conduct towards him. Witness saw Lady W. Bentinck frequently at Her Majesty's table; never saw *for a moment any thing in Bergami but what* was respectful towards Her Majesty, nor in Her Majesty any thing but what was decorous and proper; but could only speak of that period, March 1815; he lost sight of Her Majesty upon her embarkation for Greece.

Lady Charlotte Lindsay, the third witness, was then called.

Her Ladyship deposed, that up to the period of her quitting Her Majesty, she saw nothing of this kind. That it is, indeed, within the habits of Italians to be familiar with their domestics, to a degree which would be deemed inconsistent with English manners. That she saw nothing in the conduct of Her Majesty exceeding this degree. That unpleasant reports, which she did not believe, but which still affected her own reputation and quiet, had reached her (Lady Charlotte Lindsay) with respect to the Queen, in Italy, and that, in consequence, she resigned; but that she herself saw nothing beyond the usual latitude of foreign manners, and that more relaxed absence of ceremony and distance, which the necessities, inconveniences, and urgencies of travelling occasioned.

Lord Landaff, the fourth witness, was then called, and deposed that he was at Naples at the same time with the Queen, and at the period in which her *adulterous* connexion with Bergami was stated to have commenced. That he saw nothing at that period, improper, indecorous, or unusual in the conduct of the Queen. He and his Lady were in the daily habit of visiting the Queen; there was nothing unusual with reference to foreign

Her Majesty's being waited upon by B...

by females of rank and character, and particularly by the ladies of the family of Falconet, a lady and her two daughters. They always dined at the Queen's table, both at Naples and Civita Vecchia, and Lady C. Forbes, and Lady C. Lindsay were of the same party. His Lordship and Lady C. Lindsay accompanied Her Majesty on board the Clorinde; they disembarked at Leghorn and proceeded with Her Majesty to the Villa d'Este on the Lake of Como; his Lordship then dined at the Villa, Bergami was at table

Being cross-examined, his Lordship stated that he did not remember whether Bergami waited at table on board the Clorinde; he rather thought he did; he did wait at table at Civita Vecchia. Lady C. Lindsay was Lady of the bed-chamber; she was so from 1815 to 1817, when she resigned. His Lordship remembered the Countess of Oldi. He thought her rather genteel than otherwise; she spoke good Italian, but with the accent of Lombardy. His Lordship accompanied the Queen over her grounds. She did not go with him, but lent him her jackass to ride. His Lordship remembered having an Albanian Servant at that time; he could not say whether this Albanian did not go aside with the Queen, he could not recollect that he saw the Princess walking with this Albanian. He remembered a grotto on the grounds; he did not see the Princess and this Albanian there; he had never said that he had seen them.

In a further examination by the Peers, his Lordship stated, that he never saw any thing indecorous or improper in the conduct of the Princess towards Bergami, or any one else, and that he thought the Countess Oldi an inoffensive, quiet gentlewoman.

Lord Glenbervie, the third witness, deposed, that Lady Glenbervie and himself had visited the Queen at Genoa, in March 1815, and had frequently dined with her; that he saw no impropriety or indecorum whatever

in her conduct, Bergami was in attendance on her as a servant, but witness saw nothing remarkable, nothing even noticeable, in her conduct towards him. Witness saw Lady W. Bentinck frequently at Her Majesty's table; never saw for a moment any thing in Bergami but what was respectful towards Her Majesty, nor in Her Majesty any thing but what was decorous and proper; but could only speak of that period, March 1815; he lost sight of Her Majesty upon her embarkation for Greece.

Lady Charlotte Lindsay, the third witness, was then called.

Her Ladyship deposed, that up to the period of her quitting Her Majesty, she saw nothing of this kind. That it is, indeed, within the habits of Italians to be familiar with their domestics, to a degree which would be deemed inconsistent with English manners. That she saw nothing in the conduct of Her Majesty exceeding this degree. That unpleasant reports, which she did not believe, but which still affected her own reputation and quiet, had reached her (Lady Charlotte Lindsay) with respect to the Queen, in Italy, and that, in consequence, she resigned; but that she herself saw nothing beyond the usual latitude of foreign manners, and that more relaxed absence of ceremony and distance, which the necessities, inconveniences, and urgencies of travelling occasioned.

Lord Landaff, the fourth witness, was then called, and deposed that he was at Naples at the same time with the Queen, and at the period in which her adulterous connexion with Bergami was stated to have commenced. That he saw nothing at that period, improper, indecorous, or unusual in the conduct of the Queen. He and his Lady were in the daily habit of visiting the Queen; there was nothing unusual with reference to foreign manners in Her Majesty's being waited upon by Bergami in her cham-

he change of dress in the masqued ball. But this witness confirmed, on the other hand, the communication of rooms alledged by the other witnesses, though he weakened the inference by thus accounting for the change.

Dr. Holland, the eighth witness, was then called, and deposed that he had never seen *any thing* in the conduct of Bergami and the Queen, but what was in every respect decorous; and that Bergami had the manners and air of a gentleman; that he was not assuming, petulant, or self-important, but modest and retreating. That Her Majesty was much visited by respectable society during the whole time witness was with her.

This witness produced a manifest effect in favour of Her Majesty.

Charles Mills, Esq. a gentleman generally resident at Rome, and the ninth witness, deposed to the same effect with Dr. Holland; that Her Majesty was universally visited at Rome and Naples, and that *they* saw nothing improper or indecorous in her intercourse with Bergami. At Rome she was visited by the first Nobility and Cardinal Gonsalvi.

Colonel Tiellue, a Frenchman, on the staff of the Viceroy of Italy, deposed to the same effect, and to the good character and honourable condition of Bergami; he was a sergeant in the Italian line, and always bore a good character; General Pino held him in particular esteem.

Carlo Forti, a Courier in the service of the Queen, and the nephew of the Duke de Cologna, deposed, that he accompanied the Queen on the journey from Rome to Senegaglia, where Sacchi had deposed to his riding up to the coach early in the morning, and seeing Bergami and Her Royal Highness in the indecent position before related. This witness deposed, that it *was impossible* for

Sacchi to have seen that scene, inasmuch as Sacchi did not ride as Courier *on that journey*, but in a *coach* the whole way.

Lieutenant Flynn, a Lieutenant in the British Navy, was then called, and made a deposition in every respect in favour of Her Majesty, as respected the period during which she was on board the polacre: deposing to the impossibility of the bath scene, and to the open and constant communication between that part of the deck beneath the tent and the sailors quarters underneath it. But as this witness spoke from a memorandum in his hand, he was examined as to the circumstances under which he took it, and in this examination equivocated, or rather asserted, retracted, and contradicted himself so often, as totally to destroy his own credit; as his testimony under these circumstances went wholly for nothing, and very deservedly so: we conceive it unnecessary to give it. The true cause of this conduct appears to have been this. The witness was made to understand, upon the first production of his memorandum of dates and places, that he could not be allowed to use it, unless he had made it at the time he was on board of ship, or unless it was an immediate copy of a memorandum so made. In order to come within this rule, and to be enabled to avail himself of this memorandum, he ventured the assertion that it was so made; and when he was asked the time, place, and circumstances, he invented all the correspondent particulars. Being afterwards interrogated as to these particulars, he forgot what he had originally said, and was of course detected. Except as to this fact, namely the false justification of his memorandum, the deposition of this witness is, to all appearance, true and consistent; but, as whoever speaks upon oath, necessarily [illegible] oath valueless when detected in any one wilful [illegible]

it is necessary upon every principle totally to reject his evidence.

Lieutenant Hownam was then called.

This witness deposed, that he was a Lieutenant in the Royal Navy, and lived at present at Rouen in France; that he accompanied the Princess to Italy in 1815, and was then with her at Genoa at that period. That he remembered at that time being called up in the night on the alarm of robbers (Ompteda's alledged business) and that Bergami and Majocchi joined him on that occasion in the hall of the house. He never saw Bergami dine with the Queen at Genoa, nor breakfast with her; witness himself dined and breakfasted daily with Her Majesty; Bergami never dined with the Queen till he became her Chamberlain; it was at the Villa d'Este. From Genoa the Princess went to Milan, and thence to Venice, and the chambers of herself and Bergami at both these cities were not more contiguous than others of her suite. The passage betwen them was open to every servant; there was nothing regular nor noticeable in their position: the same at Tunis and Utica; witness was on board the polacre with the Queen and suite; there were two water-closets on board appropriated to the women, one in the Countess of Oldi's cabin, the other in the Princess's. The Captain had no opportunity whatever of making any observation on the Princess; he had no business in that part of the vessel. Witness remembered being with the Queen and suite at Ephesus. The Queen and suite slept under an open shed, covered with boughs at top, but open on all sides; all her suite slept about her; they all dined in a charif, under the porch of an old Mosque; they all dined together, witness with them. The Queen sat on the travelling bed by herself, all the other suite (without *one* exception) on the ground. Her Majesty

travelled from St. Jean d'Acre to Jerusalem, on an ass; it was the usual mode of travelling. They all travelled by night, and laid by in the day, the usual mode.

In the return voyage Her Majesty slept under a tent erected on the deck of the polacre; the hold was occupied by horses and cattle, which made *a great noise*, and occasioned an insufferable heat and smell; it was from these causes Her Majesty slept under the tent; the lights were put out at night under the tent: this was necessary in a sea infested by pirates. Bergami slept under the tent; witness thought there was nothing singular in this circumstance; it never excited a thought of impropriety, it was so usual in travelling; it was necessary, he thought, that some one should be with her during the night, and the Chamberlain seemed to him a suitable person. They never took off their clothes during the whole voyage. The lights were put out under the tent at witness's own remonstrance to the Princess: the bottom of the tent, (the deck beneath it) was open to the dining-room; it was open by night as well as by day. The crew and the steersman in particular, were by day and night close by the tent, and must have heard all that passed, and with the slightest effort might have seen all that passed. Witness knew that Her Majesty always slept in her clothes, because she was one night awakened by a sudden accident, and then started up, and came forth in her clothes. The bath scene was totally impossible; witness never saw any impropriety in the conduct of the Queen towards *Bergami, or of Bergami towards the Queen.* The representations of Mahomet were mere oddities and buffooneries, not in good taste perhaps, but not indecencies: his alledged imitation of pregnancy was only a mimicry of the fatness of Dr. Holland; there was nothing indecent in any of his dances, any more than in the bolero and

fandango. *The balls at the Barona,* were attended by very *respectable* people; saw nothing improper nor indecorous there. Majocchi must have known Ompteda well, Ompteda attempted the locks of Her Majesty's *cabinet*; Her Majesty was notoriously surrounded by spies: the Queen had always *treated Majocchi* with the greatest kindness, had visited him *often* during his illness. It was always the Princess's *habit to* visit any one of her suite who might be indisposed; had *no doubt* but *that* Bergami slept under the *tent* during the whole return voyage, but thought there was nothing in this circumstance.

Three other witnesses, Pomarti, Pomi, and Mioni, inhabitants of the banks of the Lake Como, and the *vicinity* of the Villa d'Este, were *then severally called for the* purpose *of establishing the facts, that the* Milan Com*mission had induced the* witnesses *against the* Queen to come forward by large presents and rewards, and had supplied money, in abundance, to their inferior agents, and amongst others to Rastelli, for the purpose of enabling him to bring forth and to invite up these witnesses *to* Milan. *It is sufficient to say of this portion of the evidence,* that the Queen's counsel most fully established what they asserted, namely, that such promises and rewards had been given to these witnesses, as materially affected their several assertions that *they* had (each) received nothing, nor expected any thing, and had only come forward for their expences. The counsel contended, and certainly with great justice, that the evidence had thus too much of the air and character of *bought* testimony, and should be viewed with proportionate suspicion. This evidence produced a very strong sensation throughout the house, and evidently showed the previous opinions, or rather sentiments and feelings, in favour of Her Majesty.

Alessandro Oliviera, a French Colonel, and joint chamberlain with Bergami, was called in the interval of some discussion amongst the judges, upon the legality of admitting the above witnesses.

This witness deposed in substance, that he was with the Queen during all her abode at Rome, and that Her Royal Highness was there visited by personages of the first distinction in that capital.

In answer to questions as to the general conduct, demeanour, and intercourse of Her Royal Highness, he further deposed, that he had never beheld any thing in the conduct of Her Royal Highness indecorous or improper —that her treatment to her servants was uniformly affable, but dignified—and that the demeanour of Bergami towards Her Royal Highness was such as became a servant, respectful towards his mistress. This witness also deposed to the important point of the Countess Oldi's being in the carriage with the Princess of Wales, the child Victorine, and Bergami, during the journey from Rome to Senegaglia. This was the journey to which Sacchi's indecent evidence refers. Colonel Oliviera also affirmed that Carlo Forti was the courier who attended the Princess on that journey.

This witness was followed by Thomaso Lago Maggiore, a boatman on the Lake Como, who deposed that he almost invariably accompanied Her Majesty as one of her rowers; that Bergami usually went with her, but that the boat was always open, and was visible in every part to the many persons always on that Lake: that he never saw any freedom or indecency in the conduct of the Queen and Bergami, but always the due distance of a mistress and her principal servant.

The Chevalier Vassali was then called.

This witness deposed, that he came from Milan, of which place he is a native; is of no

situation at present; has been in the disbanded royal army of Italy, where he held the rank of Captain. Witness first became acquainted with Her Royal Highness at the Villa of General Pino: has also seen the Princess at the house of General Pino, at Milan; this was in 1816 or 1817; Bergami was there at the same time, and dined at General Pino's. Witness accompanied Her Royal Highness from Milan to Turin, and afterwards in a tour to Germany. When witness set out from Milan, he held the office of Vice-Equerry in Her Royal Highness's suite, which situation he retained till Her Royal Highness went to the Villa Caprini; this was about the year 1818. Witness entered the service of the Princess at a subsequent time, as Equerry, and continued in that situation till the arrival of Her Royal Highness at St. Omer's. Bergami was in the service of the Princess during the whole time, as chamberlain and director of the household; witness believes it was Bergami's duty to engage and discharge servants.

He had seen the Queen and Bergami walking together at different times; they were alone, coming out of the garden under the portico. He had seen them riding out together, in a carriage; there were others with them. Bergami was well received by persons of all ranks; he had dined with the King of Bavaria; he had so dined as the Queen's chamberlain.

In his cross-examination, witness further deposed, that he remembered the Princess and suite setting out from Charnitz, about two or three in the morning, but he could not recollect the precise month, though is was very cold; they set out about daybreak; there were preparations made to clear away the snow; witness went backwards and forwards to Her Royal Highness; went to Her Royal Highness's bed-room to tranquillize her mind, and also as to the clearing away of the snow; had nothing to eat;

saw Bergami in many places; they were five or six hours in going from Charnitz to Inspruck, back; would swear that he had no rest himself, nor did he see Bergami take any. The carriages were not unloaded at Charnitz. In her journey from Rome to Senegaglia, Her Royal Highness set out at ten in the evening. The weather was excessively hot. Her Royal Highness and Bergami, &c. travelled in the first carriage, Dumont in the second, and Austin, witness, and a servant on the box, travelled in the third. Louis Bergami was not in that journey, neither was Cameron. Did not know it was the intention of Her Royal Highness to stop at Palino. Carlo Forti was not in the service of Her Royal Highness, at the balls at Barona. He lives at Milan. The daughters of Antoinette were at the ball. Witness danced with the rest. Saw none of the daughters of Antoinette in any room, nor indeed any person, except in the dancing-room. The Princess sometimes danced with them. Bergami's wife was never there. Saw Bergami last month coming from Rome. Saw him also at the Barona, near Milan; was frequently with him. The Countess Oldi had always changed places with Her Royal Highness while travelling in the carriage. Witness arrived at Senegaglia in the daytime. He saw Bergami frequently, but could not say every day, either at Milan or the Barona, and he went to Pesaro the last time. He did not travel with Bergami to Milan. Bergami left Her Royal Highness at St. Omer's, with three or four servants. Witness has a pension of 4 or 5000 francs, but no salary. His father is at Milan, and his wife at Sabloniere's hotel, in Leicester square. Government was to pay his expences; he has received no money since his arrival here; not even his travelling expences. Nobody slept with Her Royal Highness at Charnitz. He saw Carlo Forti travelling from Loretto to Rome, but no where else. There was only one bed

in Her Royal Highness's room at Charnitz, and witness saw no mattrass there. He recollected that Mahomet had exhibited his celebrated dance at the Villa d'Este, when Her Royal Highness saw it from a window. Mahomet had been dismissed from the service of Her Royal Highness about three years before her last arrival at St. Omer's. Witness deposed that the dance was ridiculous, but there was nothing at all indecent in it.

The case of the Defence being concluded with this witness, the house, after a discussion of some unimportant points of form, ordered the Queen's Counsel to proceed, upon which Messrs. Denman and Lushington appeared at the bar.

PEECH,

&c. &c.

Mr. Denman addressed their lordships. Under any circumstances in which it was possible for any advocate to be called on to discharge the solemn duty then imposed upon him, he was sure that it would be unnecessary to request the merciful indulgence of their lordships to the individual who had to address them; and perhaps there was something in the peculiar circumstances under which he himself came forward, which made it more fitting and necessary that he should receive an ampler portion of that indulgence, of which he was fully sensible that he stood so much in need. For, certainly, after the application which had been yesterday made, and the wish which had been yesterday expressed by the Attorney-General, that all the evidence which he had to offer in contradiction to that offered on behalf of the Queen, should be postponed until their lorships had decided whether the evidence of Colonel Browne should be received or not, it was only natural to expect that, besides the *solitary* witness whom he had called to a *single* point of evidence, there might have been a considerable mass of contradictory testimony to consider, especially as the whole of his (the Attorney-General's) cross-examination of the witnesses for the defence, was such as led plainly to the inference that it was intended to go at length into evidence in reply, and was therefore such as kept his (Mr. Denman's) attention continually suspended, and diverted his mind from that connexion with the case made upon the other side, which it was necessary for him to preserve, in the contemplation of being required to proceed immediately with his summing up. He did not intend to make any complaint of that circumstance; because during the time that had elapsed in proof of the accusations against her Majesty, and likewise of the defence, he should

have been deficient in his duty as the Queen's counsel if he had not paid the closest attention to the whole of the evidence. He should, therefore, without further preface, proceed to make his remarks upon the whole of that evidence—evidence which, he said it boldly, had satisfied his mind, had satisfied the minds of the learned friends with whom he acted, had satisfied the minds of all the people of England, and those too of all the civilized nations in the world, who were looking with a deep interest on these momentous proceedings, that his illustrious client had established such a defence as made it imperative on their lordships to give her a most complete acquittal of all the charges which had been preferred against her. He wished to proceed to that examination with all that calmness and deliberation, and absence from all personal feeling and violence, which were so necessary to be observed in order to obtain a complete investigation of the truth. But it was not to be expected that, in the many interlocutory contests and debates which had arisen in the course of these proceedings, there might not have been exhibited a tone and a temper for which an apology was requisite; but it was no other than the enormous magnitude of the case, and its tremendous consequences to his illustrious client and the country, and the deep anxiety with which an advocate must be overwhelmed in coming to the consideration of it. They had been charged with making use of invective, declamation, and violence, for the purpose of producing an effect, not in, but out of doors; nay, he begged leave to state, that his learned friend had seemed to think that on some occasions they had borne personally too hard upon him; but he must disclaim all intention of bearing hard upon him, or of casting any imputation upon his honour and character; and therefore, if from what fell from him yesterday, he (the Attorney-General) supposed that he (Mr. Denman) questioned his veracity, he begged to say, that if any thing which dropped from him at that time could be clothed with such a supposition, and could warrant such an assumption, he unequivocally retracted it before the assembly in the face of which it was made, and was sorry that any language of his should have led to such a mistake. (Hear, hear.) He had no intention of giving uneasiness in any quarter; but he must say that he had felt it deeply, and often, in the course of this proceeding. It was therefore impossible for a man not to ask indulgence for any warmth into which he might have been betrayed; because the illustrious individual who was their client had been, from the first moment in which she had set her foot in this country, the victim of the most cruel oppression, and the most dreadful and irreparable wrong. That galling recollection had attended them through the whole of these proceedings; it must be their excuse for any undue warmth with which they might have expressed themselves; and having said that, he should proceed without any further apology, to their case itself. But, whilst he disclaimed all personal imputation on his learned friend, he claimed the right of adverting, with the utmost freedom, on his conduct as an advocate, inasmuch as from the conduct of an advocate not only the

impressions of his mind might be collected, but also much of the nature of the instructions under which he acted, and of the spirit in which the prosecution had been commenced and conducted to its close. To have to conduct a case in such a spirit he conceived to be a misfortune for which no rewards, no honours, could afford an equivalent—a misfortune which had weighed down his learned friend throughout the whole of these proceedings—a misfortune to which he declared, before God, that nothing within the scope of human ambition could have tempted him (Mr. Denman) to have submitted for a single moment—he meant the office of prosecuting this bill of pains and penalties to divorce and degrade the wife of the *King of England*. In order to see the nature of the proof brought forward in support of that bill, their lordships must look to the charges contained in the preamble; and, in order that they might fully understand them, he must refer them to the manner in which the indictment against his illustrious client was drawn up. It stated that her Majesty, "while at Milan, in Italy, had engaged in her service an individual, in a menial capacity; and that, while in that situation, a most unbecoming and degrading intimacy soon commenced between her Royal Highness and that individual; that he was not only advanced to a high situation in her Royal Highness's household, but that he was received by her Royal Highness with great and extraordinary marks of favour and distinction; and that she, unmindful of her exalted rank and station, and wholly regardless of her own honour and character, had conducted herself towards him, both in public and private, in the various places and countries which she visited, with indecent and offensive familiarity and freedom, and carried on a licentious, disgraceful, and adulterous intercourse with the said Bergami, by which conduct great scandal and dishonour had been brought upon his Majesty and this kingdom."—He was aware that their lordships were now upon the second reading of the bill, and that, in addressing them he had only one simple question to discuss—namely, whether the allegations in the preamble were at all made out by the evidence adduced in support of them? It had been stated (and the whole preamble went to charge it), nay, it had indeed been proved, that Bergami had entered in a menial capacity the service of her Royal Highness, and that he had been afterwards promoted; that several of his relations had been taken into her service; and that he had received several marks of favour, both himself and his family. But when the next clause in the preamble came under consideration, that clause which stated that Bergami had received titles and orders of knighthood through the influence of her Majesty, he thought that it was only fitting that some evidence should have been given that they were really obtained by that power and that influence. All that their lordships had heard was, that at one period he was without titles, and that at another he possessed them. There had *not been a tittle of evidence produced to show how he had obtained them,* or that her Royal Highness had been instrumental in procuring them for him,

his own accord by her Majesty's housekeeper, in the bustle of a new arrival, to provide more accommodation, and altogether without her Majesty's being consulted on the subject? If, therefore, it should appear that this arrangement was made by Mons. Sicard, without the Princess's knowing any thing whatever of the matter, what became of his learned friend's statement of this part of the case in his opening speech? Then, as to the removal of W. Austin from sleeping in the same apartment with her Royal Highness, what became of the statement that this change was made for the first time on the Princess's arrival at Naples, when it was shown to have previously and repeatedly taken place before her Royal Highness's arrival at Naples, whenever the travelling accommodations admitted the change? and this was most properly done upon the remonstrance of her Royal Highness's chamberlain, who thought the age of William Austin rendered it necessary—he being then 13 or 14 years of age—that he should be provided with a chamber apart from that of the Princess. There was, so far, an end to the novelty of Austin's separate room on the Princess's arrival at Naples. If, then, it should also appear that the Princess, so far from returning early from the opera, remained there until the close of the performance—if, instead of secretly coming home, she returned, as Sir William Gell, who accompained her, deposed, in the same state in which she went to the theatre—if, instead of De Mont being in waiting to attend, she was called up for the purpose, and that Sir William Gell actually escorted the Princess to the door of her apartment—if, when all these things met their lordships in proof on the minutes of the evidence, and that, from the same authority, it should further appear that no agitation was observed at the time alluded to in the Princess's manner, nothing unusual or particular seen in her conduct that night, no oversleeping on the following morning, no refusal to see persons of rank who came in the forenoon to pay their respects, no missing of Bergami from the servants' breakfast-table—then, after their lordships saw all this in proof, had he not a right to say that the witness De Mont's story stood so covered with contradictions upon all these facts, which were, from their nature, capable of being repelled by evidence, that on the only remaining parts of it, which, from her saying she was alone at the time with the Princess, were incapable of being met by a direct contradictory evidence, she was utterly disentitled to any belief? The Princess's manner, she said, was agitated. Now, in the first place, it was not easy to depend upon one person's opinion of the manner of another; that was a very difficult sort of testimony to rely confidently upon under any circumstances; but when every part of De Mont's testimony which came within the co-observation of another was utterly and effectually contradicted, what reliance, in any degree, could be placed upon the slightest part of her long and oft-contradicted examination? In referring to the mass of details which lay in the minutes before their lordships, he feared he must necessarily become tedious; but he knew that they who had witnessed the whole proceedings, would see the necessity of his recalling their attention, by reference to such parts of the evidence as bore upon the

case of his Illustrious Client. If in any part of his reference he should fall into unintentional error, he should not consider it any interruption, but, on the contrary, a serious favour, to be set right as he went on, either by his learned friends at the other side, or by any of their lordships. His object, in now alluding to the evidence, was not to get rid of the effect of these things, by showing how incredible, how impossible, was their occurrence, in the manner stated by his learned friend; but shortly and simply to show, that not only was the opening case not proved by the evidence adduced to support it, but that many parts of it were expressly negatived out of the mouths of the Attorney-General's own witnesses to substantiate his own facts, as well as out of those of the witnesses brought forward in behalf of her Majesty. By referring to the evidence of Sicard, in pp. 566 and 593 of the minutes, they would find the two charges fully and unequivocally negatived, respecting the change of the apartments at Naples, and the bed in the cabinet. In Mr. Keppel Craven's evidence, in pp. 537 and 543, they would find the recommendation at a previous period, that it was proper Wm. Austin should be placed in a separate sleeping-room, for that his age at that time rendered it unfit that he should sleep in the same room with the Princess; and, from this part of the evidence it would also be seen that this proper recommendation had been acted upon, and particularly in Germany. In the evidence of Sir William Gell and Mr. Craven, in pages 535 and 551, there was demonstrative proof that these gentlemen had remained with the Princess until the close of the opera at Naples, and for reasons that rendered their testimony conclusive. Then, again, came the total absence of all proof that Bergami was absent the following morning at breakfast-time, and the flat and strong contradiction that any change in his behaviour had been observable at that time, either towards his mistress or any of his fellow-servants—a change which would have been most natural indeed, if the facts, as opened by the Attorney-General, had any foundation in fact. He adopted fully the opinion of his learned friend, that such would have been the demeanour of Bergami, had he been permitted by his mistress to take those liberties with her, which laid the ground of this charge. But there was scarce a page in the minutes of evidence before them, which did not go to negative any such conduct, and of course to destroy the inference that was drawn from it. From first to last, from the time at which he occupied an humble station in the household, up to that when he was honoured with a higher and more confidential place, his whole conduct was distinctly proved to be that of an humble and respectful servant to a mistress who was kind and affable it was true, but who, in her affability, never lost sight of her proper dignity. Mr. Craven's evidence on that point was quite conclusive. That witness, when asked whether Bergami's manners at the outset were those of a gentleman, very properly answered, "I do not know what can be meant by the manners of a gentleman in a courier: I know he conducted himself well as such; and afterwards, when I met him at her Royal Highness's

Den.

table, his conduct was unexceptionable." With respect to what De Mont deposed in p. 253, respecting the two beds—namely, that no person slept on the night she mentioned in the Princess's small travelling-bed, but that two must have slept in the large bed, from the tumbled state in which it appeared—it was a little curious that, if the Princess were guilty of the crime imputed to her, she should have left such proofs open for her detection, such marks calculated to excite observation, when they might so easily have been obviated. He should show that this part of the statement was altogether improbable, and utterly disentitled to any credit. It was also ludicrous to attach any value to her statement upon that point, after the manner in which she shook her evidence in her cross-examination by his learned friend Mr. Williams. Was it not also remarkable, that, until the 3d or 4th day of her examination, she should have withheld these remarkable appearances on the counterpane, which, if true, were so important for the purposes of the prosecution, and must necessarily have been communicated to the Attorney-General in the previous depositions of De Mont? How did it happen, then, that the Attorney-General, in his questions to the witness, entirely overlooked such unquestionable proofs of the criminality which it was his duty to establish? He must have had these depositions of De Mont's evidence before him. How did he then omit such a question? for surely, if she could speak to such a fact, she must have long before mentioned it to the agents for the prosecution. It was for his learned friend to have explained so singular and extraordinary a circumstance. Indeed the adage was never more verified than in the reflection which this witness's testimony excited :—

"Calumniando semper aliquid hæret."

Though her testimony was disproved, still, unfortunately, the experience of human nature showed that sufficient traces of the evil inflicted would long remain—traces for which indeed his illustrious client could receive no adequate reparation, which no punishment of the parties would atone for, no time sufficiently efface. What could atone for the statement of the Solicitor-General, who, after reciting the falsehoods (for such he was now entitled to call them) of De Mont respecting the Princess's conduct on the night of her going to the theatre at Naples, had said that no man who heard him could doubt the fact, that on that night the adulterous intercouse commenced between her Royal Highness and Bergami, which was afterwards continued without intermission? When such strong statements were made, it became almost impossible for the mind to get rid of the impressions which they affixed upon it; the mind lingered with them often, notwithstanding their contradiction in evidence; and the melancholy reflection was, that their effect, so injurious at once to the feelings and peace of the object of them, survived the existence of the base surmises upon which they were founded. Never had there been, in the annals of any court of judicature, any opening statement of a case so miserably attempted to be sustained by evi-

dence as this had been—never a case so satisfactorily disposed of by the conclusive evidence which was brought against it. Notwithstanding this complete destruction of the facts upon which the bill was attempted to be founded, still he repeated that his illustrious Client must suffer under the effect of such a prosecution, however satisfactorily her innocence was established; and her feelings must be exposed to an indignant agitation, which to her must be irreparable. The learned gentleman then quoted, in illustration of his opinion, the following observation in the *Quarterly Review*:—" To refute errors is no trivial task, for the labour is not very amusing. It requires more time and cost to repair an edifice than to damage it; and certainly more zeal to defend the calumniated than to raise the calumny. An attack, if it deserves notice, is necessarily lively, and our attention is raised by the air of novelty it carries with it; but a defence can only boast the honest intention of carrying us back to the same place we had formerly occupied; and nothing short of a miraculous demonstration will so completely eradicate a false or an aggravated charge, as to leave no traces of it behind in the minds of those who have long received the erroneous impressions." He should now come to what he considered the second count of the indictment—namely, that which embraced the conduct of her Royal Highness at the masked ball she gave to the then King of Naples. His learned *friend*, in *opening that* part of the case, had said that, when her Majesty wanted to make an entire change of her dress during that ball, she retired to an inner room alone with Bergami, in whose presence, unassisted by any other person, she changed her first dress, and put on one which was highly indecent. Here again he had reason to complain of his learned friend, for there was nothing in the evidence to sanction that statement. Was there ever any thing so disproved as this? The Turkish dress which the Princess wore had nothing whatever indecent in its arrangement, and it was, during one part of the evening, the dress of some of the Princess's *suite*. But it [illegible]

[illegible] to prevail upon *him to return to* the company, and that her Royal Highness was *herself* obliged to leave him, having failed in her entreaties. Was there a single iota of evidence to sustain this statement? Could the Princess have been for three quarters of an hour absent on that night from her ball, without its being observed? But, if even she had been so absent, was it likely she should have called her maid into the ante-room, only for the purpose of listening to her vain attempts to recall Bergami to the ball-room? It was said, that if De Mont has sworn falsely, it was in the power of her Majesty's counsel to call evidence to contradict her. So they had, where she spoke of matters to which a third person was privy; but they had no power of contradicting her respecting statements where she represented herself as being the only spectator, except out of the improbability of her own story, which, fortunately where there was not better evidence, was sufficiently decisive. There was the

use in pursuing cross-examination to any great length with a witness whose story was her own invention? To press her further was only to carry her further in her career of deception; for vain indeed must it appear to hope to confuse her memory after a three years' rehearsal. He recollected an anecdote of a particular friend, who, upon relating a circumstance, was informed that it was not true, and told, by the person who made the observation, that he knew it upon as good authority as the other did. But the other replied, that so he might, for that he had himself invented the circumstance, and told it to that person. De Mont then was like his friend the sole inventor; she was the historian; there was no going higher than the source; where was the use of ascending above the fountain? the more that the attempt was made to go back farther, the brighter became the ardour of this witness's invention. It did, however, so come to pass that both Sir William Gell, in page 562 of the minutes of evidence, and Mr. Craven, in page 536, as well as Sir William Gell, indeed, again in page 552, clearly showed the falsehood of De Mont's story of the ball-scene. From this evidence her whole story was rendered untenable; and in page 255 it would be seen that Bergami, so far from quitting the ball-room, had remained like the other servants serving up refreshments to the company during the night. The Turkish dress of the Princess, too, was disposed of with equal effect; for the trowsers, as they were called, consisted of a simple thread which marked a division in an ordinary petticoat, and had nothing in its shape bearing the smallest similitude to indecency. There was another point in the statement for the prosecution which had been greatly dwelt upon, namely, the story that the Princess had been seen walking arm in arm in the garden with Bergami. This they had in page 7 from that famous witness Majochi. De Mont said she only observed it once. De Mont, in this part of her testimony, resorted to the old and dangerous artifices of engrafting her falsehood upon a small portion of truth. The fact was simply this: there were some trees planting in the garden, and repairs going on, respecting which the Princess desired to give some instructions, and she went into the garden among the Italian workmen, accompanied by Bergami, whom the Princess took there to communicate to the workmen, which she could not do intelligibly in their language, the alteration she desired. Though Bergami attended her in the garden, it was false that he was arm in arm with the Princess. If their lordships would please to refer to pp. 540, 557, and 562 of the testimony of Sir Wm. Gell and Mr. Craven, they would at once discover the falsehood of the charge built upon the circumstance to which he had just alluded; and they would also find that the Princess was, at that period, cautioned by one of these gentlemen against being seen even walking as she had walked with Bergami in the garden, and informed that her most innocent acts were liable to the greatest misinterpretation, as persons were then spying into her conduct with the worst views. They had also heard from the same witnesses who contradicted the story of walking arm in arm, that this garden was surrounded by the neighbour-

ing terraces, and that, at the time spoken of, Bergami, so far from being walking arm in arm with the Princess, was in attendance upon her, and walking after her as a servant upon a mistress. His learned friends in conducting this prosecution had repeatedly said that they had no interests to serve except to promote the ends of public justice. His learned friend, the Solicitor-General, had said, that his duty was not to impose or to influence by any distorted statement; all that was required of him was, that he should sum up the evidence with truth and accuracy, and then point out how it applied to the charges upon which the bill was founded. If it were not expected of him to incur any charge of this mis-statement, still less, he hoped, was it expected of him to use the slightest expression derogatory from the station and dignity of her Majesty the Queen. No such expressions should escape his lips. Indeed, no effort had been spared by counsel which ingenuity, dexterity, or management, could suggest to effect their purpose. He did not complain of the efforts of his learned friends in support of the bill. It was of course their duty to act upon the evidence submitted to them: that evidence came to them in the shape of instructions, and they were bound to manage them in the most dexterous way they could. His learned friend the Attorney-General had indeed taken manly ground, and it was pleasure to deal with such an adversary. The Solicitor-General, however, put the case upon a different footing. The one promised proof of what he meant to support in an authoritative form, but the other addressed their lordships in his summing up in the tone of a judge instructing a jury upon the facts on which they were to give in their verdict. The Solicitor-General said, in his summing up, that he hoped be might be allowed, in conclusion, to say—and he said it from the bottom of his heart, and in the utmost sincerity—he sincerely and devoutly wished, not that the evidence should be confounded and perplexed, but his wish was that it should be the result of this proceeding that her Royal Highness should establish, to the satisfaction of their lordships, and every individual in the country, her full and unsullied innocence. These declarations of his learned friends, the eager advocate on the one side and the impartial judge on the other, showed a division of labour between them. It was as if the one had taken the events of Monday, Wednesday, and Friday, and the other those of Tuesday, Thursday, and Saturday, under his special cognizance. The conclusion of his learned friend the Solicitor-General could not fail to have struck their lordships as being very remarkable; he had prefaced it by demonstrating, as he conceived, the impossibility of rebutting the facts set forth in the prosecution, and he had concluded with a sincere and devout prayer that her Majesty might still be able to prove her entire innocence. This must be taken as a happy omen, for it was the first prayer that he believed had emanated for her Majesty from any officer of the King's government, and he hoped it might be considered as a happy omen, which preceded the restoration of her Majesty's name to the office of the church, from

such a conclusion; and, indeed, something of this kind must have been running in the mind of De Mont herself, when she said she escaped from Bergami. Would it, he asked their lordships, be required of his illustrious client, at the end of six years, to give an exact account of the particular acts and situations, not only of herself, but of every one of her suite for all that time. What was there in the fact of Bergami having been seen out of his room? If he had been seen thus circumstanced in the room of her Royal Highness, there would be no need of going further, but he was only seen out of his own room; and he demanded of their lordships whether, looking at this as it was stated, it was a fact of such importance that they should consent to a measure which would pluck her Majesty from her throne because she could not account for Bergami's being out of his chamber at a particular hour. The proposition was monstrous. But it seemed that his learned friends on the other side did not themselves place much reliance on this part of the story as first told by De Mont, and accordingly they resorted to a new mode of mending their case; and here he could not but complain of the disingenuous means to which they (the counsel for the bill) had recourse in this part of the case—means which he was satisfied would never have been allowed *in* any of the courts below. It was the invariable practice in the courts below that no question should be put to a witness in a re-examination, which did not arise out of the cross-examination. If any thing had been omitted upon questions which were to be put in the re-examination, it was usual to give the counsel cross-examining notice of it, or to ask it through the court; but in the present case no such thing was done; and in the re-examination his learned friend, the Solicitor-General, took the witness back to Naples, and, referring to the account which she had given of the scene in the passage, had asked her whether she had observed any thing done to the door (of the passage) after she went out of it? To which she, whose memory was of course much improved by the interval of a day or two, answered, that the door was shut, and, not only shut, but that it was shut on the inside, and that she heard the key turned in it. The object of this was to show that Bergami, by appearing in the passage, could not have intended to seek De Mont, but must have intended to visit the room of her Royal Highness. Now, he contended that there was no judge in Westminster-hall who would have suffered a witness, two days after her examination in chief, and after she had seen the effect of her former evidence, thus to be examined as to matter entirely new, and which in no manner arose out of the cross-examination—matter, too, to which she might have been prompted as an important adjunct to her former statement. If such a case were to come before the Lord Chief-Justice, or any other judge, he would instantly have prevented the party from putting the question. It was, however, allowed to be put here; and what was before, at the most, only a case of mere suspicion, was thus attempted to be turned into something of positive criminality. He felt it his duty to advert

should be called who could state any circumstance connected with the case—why, then, after those repeated undertakings, had not Dr. Holland been called? Surely he was as respectable a witness as Majochi. Why did they not call for the testimony of those respectable ladies who had attended her Royal Highness—some of those who had been placed in attendance on her by her Royal Husband, and who must have had the best opportunities of observing her conduct, who could have described what that conduct was? The counsel for her Majesty could have no objection to their stating all they knew respecting her Royal Highness's conduct; there would be no confidence violated. These were not called, but their lordships were told that there was sufficient ground for passing this bill upon what was called a *prima facie* case, supported by such detestable witnesses as he had described. Their lordships had heard of a secret staircase, and the inference which was attempted to be drawn from it. Now, he would suppose that any one of their lordships were called upon to account for the arrangements of their houses and family at the distance of six years; suppose they were accused of some crime connected with such arrangements, and without notice of the places or particulars of such accusation, could they point out accurately what those arrangements were after the lapse of such time? Ought any one, under such circumstances, to be convicted, because they were unable to give such particulars? The greater the innocence of the party, the greater would be the difficulty of proving it. Guilt was always cautious and wary, it was scrupulous in conniving such means as might continue to screen itself from detection. Innocence, on the contrary, confident in itself, was improvident: it neglected, very naturally, to look for protection to such circumstances where no danger could be apprehended. It was not therefore to be expected that an innocent person could be prepared to enter into a detail of every circumstance connected with his conduct; and least of all, could it be fairly required in such a case as the present. It was sworn by Majochi that Bergami dined at the table with her Royal Highness at Genoa, and every day after. Now this circumstance was most positively contradicted by not less than three most respectable witnesses. It was contradicted by Dr. Holland, in page 619, by Lieutenant Hownam in page 702, and by Lord Glenbervie in page 511. Here were three positive contradictions by witnesses whom it was impossible to suspect. What did this prove? Did it not clearly show to their lordships that this wretched man (Majochi) was determined to do something worthy of his hire—something which would be a sort of return for the payment he received? He therefore swore to what he knew must have been false; and was this palpable perjury to be answered? was this man's credit to be bolstered up by such remarks as had been made by the Solicitor-General on what his learned friend had said respecting the frequent *non mi ricordos*. Neither he nor his learned friend objected to Majochi's want of recollection; they did not blame him for his forgetfulness alone (for any man's memory might

be frail); but Majochi's memory was remarkably acute—his recollection of times and places was most astonishing. He spoke to the most minute circumstances of time and place, for a series of years, but this recollection was all on one side. On the other he could recollect nothing—no, not even the most remarkable facts; all were lost to his memory when he came to be cross-examined. This was the reason why his learned friend (Mr. Brougham) had dwelt so much and so justly upon his *non mi ricordos*. It was here that Majochi gave the most decided negative to the truth of his own story, for he (Mr. Denman) believed that in the whole course of his life he had never met in any court a witness whose evidence was so completely demolished by himself as was that of this man. This was the contradiction, which their lordships would weigh. In every case where he spoke of what took place in t[illegible] f a third party he was contradicted; but who could contradict h[illegible] that which he swore he alone saw? How was it possible t[illegible] not, as h[illegible] f asleep when he saw

had left the theatre. But what said his learned friend the Solicitor-General to this? He had asked, "Could De Mont have invented her account?" He (Mr. Denman) said she did invent, and that her story was nothing but invention. They had proved her falsehood where it was possible she could be contradicted. They had proved it in her account of getting leave of absence from Como. But, said the Solicitor-General—and he (Mr. Denman) had heard the observation repeated by other sagacious persons out of doors—this could not be a conspiracy, for it had not gone far enough. He maintained that, if it were true, it had gone far enough: and the circumstance of having omitted some parts, in particular situations, arose solely from this—that the witnesses were afraid to tell what they knew might be within the knowledge of others. He had heard it said, that it was always a matter of great difficulty to prove the fact of adultery itself. In general, a corpus delicti was a matter of inference from the circumstances of the case. He denied that in any case the fact could be inferred from such evidence as the present: but in no case could it be more clearly proved than in this, if it had ever existed. This chambermaid, who was so willing to swear against her mistress, must have had opportunities of knowing if it had occurred. Indeed this seemed to have been felt on the other side, and De Mont, when she came to mend her evidence, spoke of having seen stains on the bed. If this were true, why had they not called the person who had made the bed for two months before? Why was not Annette Preising produced, whose evidence would have been most material to this point? Did their lordships suppose that those agents who had collected together a set of her Majesty's discarded servants, who had ransacked filthy clothes-bags, who had raked into every sewer, pried into every water-closet, who attempted to destroy all the secrecies of private life, who had wrung the feelings of a lady of rank and respectability by making her, at that bar, confess her poverty, and the embarrassments of her husband—who had interfered with private family concerns, so far as to produce a letter addressed by her to that husband: did their lordships imagine that they who had resorted to such mean and filthy practices would have stopped short at producing such a witness as Annette Preising if they thought that she would have borne out the testimony of De Mont? No: they rested upon that testimony, of which he would say no more at that moment, than that, if brought before any honest court of justice, it would have been scouted out. He now proceeded to her Majesty's journey to Genoa, Catania, and several other places. A circumstance was said to have occurred at Catania, which was alleged to be decisive of the case, as it proved the fact of adultery. Her Royal Highness was said to have been seen coming out of Bergami's room with pillows under her arm. This rested on the testimony of De Mont: and it was surprising how in this, as well as in every other part of the case, she so shaped her story as to prevent her being contradicted by others. When asked who was in the room with her at this time; she answered, her sister, and, when asked another question, she expressed

trusted it did not come too late to operate on their lordships; to show them that a conspiracy by persons respectable in life, much less by Italian witnesses, was not impossible; and that evidence might be so got up, as for a time to destroy the character of innocent individuals. There was another case to which he might call the attention of their lordships, the case of a prosecution in which he had himself been engaged, and which was tried in the court of King's-bench against certain individuals, for a conspiracy to set up a sham commission of bankruptcy. It was the case of "the King v. Cohen," and abundant evidence was there produced that ten who were convicted, and others who escaped, were in the daily habit of false-swearing, and of receiving money as the consideration for false testimony. This happened in England, where the same persons were afterwards liable to detection, and might be brought to legal punishment. It was on that occasion demonstrated that witnesses might be hired as readily as lodgings might be hired at the west end of the town. But it was impossible that their lordships should have forgotten the case of Elizabeth Canning, and the crowd of witnesses who then testified solemnly to what was grossly false. The same remark was applicable to the case of Titus Oates, whom he was content to consider as the hero of a poem only, but with reference to whom he might be permitted to allude to a period when the then Duke of York was in a state of doubt whether he would or would not cast off the wife, the daughter of Lord Clarendon, with whom he had clandestinely contracted marriage. In the *Memoirs of the Count de Grammont*, it was stated that marriage, or at least cohabitation, had taken place between the parties. What did all this imply but that agents might always be found to gratify the lowest passions which unfortunate princes, or individuals in high places, were disposed to indulge? It was undeniable that the facts alleged in evidence against Queen Ann Boleyn were stated as distinctly—indeed much more distinctly—than were the circumstances in the testimony produced in support of this bill. It was altogether evidence much stronger and more unexceptionable. But, without dwelling on the events of a period so remote as the reign of Henry VIII., however similar some of those events might be to the transactions and business of the present day, he would now advert to a period within the recollection of them all—to what passed, in fact, in the year 1806. The result of an inquiry into charges affecting her Majesty's character at that time was to cover her accusers with infamy and shame. Their lordships, looking back to that investigation, must of necessity contemplate the process now going on with the utmost jealousy and care. When it had pleased his present Majesty's government to separate the mother from the daughter, was it not upon record that this decision was founded on perjury and subornation? How otherwise were they to understand the minute of council drawn up, or at least dated, in February, 1813, and in which the letter of her Royal Highness charging the existence of "suborned traducers," was alluded to? It was felt by her Royal Highness's

was given at Messina for the evidence of a person who was to swear away the honor of a woman. Their lordships might do well to refer to the character, as there developed. The passage which he now alluded to was as follows:—"Which be the malefactors?" "Marry that am I and my partner."—"Now write you down that he says he has received a thousand ducats for accusing the Lady Hero wrongfully."—"Marry, Sir, they have committed false report; moreover they have spoken untruths; secondarily, they are slanderers; sixth and lastly, they have belied a lady; thirdly, they have verified unjust things, and, to conclude, they are lying knaves." *(A laugh.)* He hoped this last quotation would not be considered altogether inapplicable, taken as it was from the last act of a celebrated comedy, called *Much Ado about Nothing*. *(A laugh.)* He now came, however, to a closer examination of the evidence—evidence of a kind which had never before been so amply remunerated. It appeared upon their minutes that Gargiulo's vessel had been hired by her Majesty, with all its crew, at the rate of 750 dollars per month; this, in fact, was the sum to be paid for the use, and the exclusive use, of Gargiulo's ship. But the captain, being in the employment of a royal person, looked forward to something else, and limited his expectations to a sum of 6,000 dollars. Disappointed in those expectations—and through the means of Bergami—coming over to this country to enforce his claims, was it not probable that he should consider the attainment of his object as likely to be facilitated by the evidence which he gave on this occasion? It was idle to suppose that any witness for a prosecution of this nature would come forward with a mind perfectly unbiassed. On that account alone it became necessary to require evidence the most pure and the most unsuspicious that could be obtained. An improper intercourse was alledged to have taken place between her Majesty and Bergami, or rather it was alledged that they were observed sitting together on a sofa, and under an awning, with a view to that improper intercourse. If this representation were true, the parties could not have adopted a surer mode of proclaiming to the world what their intention and purpose were. Kisses and caresses were spoken to, and really such evidence deserved the pay which had been received for it. But how was it that only the captain and the mate, the uncle and the nephew, should appear to corroborate a story of this kind? Was it not probable that the uncle had said to his relative—"There never was a happier prospect for the family; here is already an allowance offered of 800 dollars a month for yourself; and, as for me, I am to receive a thousand?" He put it then to their lordships, whether evidence given under such circumstances ought not to be admitted with suspicion and distrust? "Come to England with me," quoth the uncle; "there is a process going on which will continue at least for a year, and in which you and I may be material witnesses." It was very singular that they, and they alone of all the individuals belonging to the polacre, should be called to speak to the indecent acts men-

advisers to be their bounden duty to declare that there had been suborned traducers, but that an illustrious person stood acquitted of the subornation. Without charging any conspiracy now, he would venture to say, that if any place or country was to be selected or preferred as the scene of a conspiracy, and that the selection and preference were judiciously made, the scene would certainly be in Italy. It was there that the means presented themselves—it was there that cunning and artifice thrived—there that a price was openly set upon an oath—there that every infamous purpose might by bribery be carried into effect. They were now inquiring into the transactions of six years, and guided *only by the light of Italian evidence. Could they,* as men of the world, as men acquainted with history, imagine for one moment that the information given to them by witnesses for the prosecution was not given with the countenance of immediate favor, and the hope of further reward? He would refer them at present to the evidence as to what passed at Savona, and in the course of whic [illegible] that two persons had certainly slept in one bed there. The o[illegible] which this fact was stated was a former de-

After an absence of three quarters of an hour, her Majesty's legal advisers returned to the house; and their lordships having taken their places,

Mr. DENMAN resumed.—He would, he said, proceed to draw their lordships' attention to the period to which he was alluding when they were good enough to allow him to retire from the bar for a short time. At that period her Royal Highness was about to carry into execution a design she had long formed for visiting the Archipelago, the Grecian Islands, the ruins of Athens, and Jerusalem. On that occasion she hired a polacre in Sicily, which carried her out to Jaffa, and afterwards brought her back to Italy. In the course of her journey to Jerusalem she was frequently obliged to rest in a tent, which was carried from place to place, for that purpose. She was, at this time, in a foreign land, surrounded by *foreign attendants, exposed to danger from the uncivilized inhabitants*—and, thus situated, she was reduced to considerable hardships—not imaginary hardships, proceeding from fear, but real and unavoidable difficulties. In the midst of those hardships she lived on what he would call terms of delightful familiarity with all those who accompanied her. In the course of the day, after the fatigues of the journey, which was performed in the night-time, were over, she rested under the tent to which he had just adverted, and his learned friends who supported the bill had made it a prominent part of their case that she had reposed under the tent in one bed, whilst Bergami, in the same tent, reposed on another. This was one of those facts which illustrated, more clearly than another, the necessity of exercising that caution, in viewing this case, which he had endeavoured to infuse into their lordships' minds, because it was quite clear that the fact might be stated in such a manner as to raise the suspicion of guilt in the first instance: but he thought it was equally clear, when the real state of the fact was made known, that, for this suspicion of guilt, not the smallest foundation, in truth and honesty, could be pointed out. During the two days and a half in which this journey was performed Majochi told their lordships that her Royal Highness and Bergami rested under this tent. But he had omitted a matter of great importance—he had omitted the essential fact, which other witnesses had spoken to—namely, that the Countess of Oldi was also under this tent, and that the child Victorine was almost constantly there. Majochi had likewise, in his direct examination, passed over another fact, which was afterwards disclosed in his cross-examination—the important fact that he, Majochi, and another servant, were in the habit of taking rest in a second tent, contiguous to that which her Royal Highness occupied, and which commanded a view of all that passed there. How long at a time she remained on horseback during this journey, Majochi, that honest witness, could not state. It might, he said, be two hours, or it might be many more. But the fact, as stated by Lieutenant Hownam, placed the circumstance in its true light. He had told their lordships that her Royal Highness was very much fatigued by her exertions on this journey—that she wanted support to prevent her from falling from the

would deserve to be impeached at the bar of this house for a gross and infamous dereliction of his duty. Was he again to go back to the bath—again to enter into the fables of Majochi and De Mont, who in this instance only had vouched for each other? The question was, where was the bath? One stated it to be in one room, and another in another; but afterwards it appeared to have been in the cabin; and the chamberlain, their lordships would probably think, did no more than his duty, in preparing the water, and feeling its temperature: it was merely ridiculous to suppose that he stayed to be present at the operation. Where facts rested upon the testimony of these two witnesses, they were wholly to be discredited, and the house was bound to consider the full contradiction they had received. Had any matter of crimination existed on the part of the Queen, so advantageous a witness to support it had never been brought into court as Lieutenant Hownam. He joined her Majesty at Genoa when the supposed passion was at its height, and he had continued with her for about three years, during which he must have been well acquainted with whatever criminal acts his royal mistress had committed. The other side had had an opportunity of cross-examining him, after torturing his belief on subjects of every description: and though they pretended to prove acts of indecent familiarity by two or three masons, two or three white-washers, and two or three discarded servants, they had not ventured even to suggest to Lieutenant Hownam any occasion when such scenes, if they existed, must inevitably have passed before him. Both he and Lieutenant Flynn gave the most decisive contradiction to all that was sworn by those much-relied-on witnesses, Gargiulo and Paturzo. He would now notice the evidence that related to the Villa d'Este; first, however, as his learned friend reminded him, saying a few words regarding the embrace which the Queen was said to have given Bergami when he went on shore at Terracina, after the tedious voyage, to prevent the necessity of observing quarantine. All that was proved was, that Majochi being below deck, the Princess had thought proper to have him for a witness of the kiss she allowed Bergami to give upon her lips. Majochi had taken care that nobody else should be present, that he might not be contradicted; but still his falsehood had its foundation in a germ of truth, because all the witnesses agreed that Bergami kissed the hand of the Princess upon deck when he took his departure, which was no more than the rest of the suite were in the habit of doing on similar occasions. He had by accident passed over another kiss—the kiss on Bergami's visit to Messina, about a mile from the dwelling of the Princess, to make some purchases. Majochi had thought fit to swear, that on parting on this distant expedition here again was a most affectionate leave-taking, at which he alone was present. However De Mont thought it right on this point, to give her friend some slight confirmation, and accordingly she said, that there had been some kissing at their parting, but that her back was turned, and she could not tell whether the kiss was given on the hand or on the face. The truth, no doubt, was that her Royal Highness had given her hand, that her

would deserve to be impeached at the bar of this house for a gross and infamous dereliction of his duty. Was he again to go back to the bath—again to enter into the fables of Majochi and De Mont, who in this instance only had vouched for each other? The question was, where was the bath? One stated it to be in one room, and another in another, but afterwards it appeared to have been in the cabin; and the chamberlain, their lordships would probably think, did no more than his duty, in preparing the water, and feeling its temperature: it was merely ridiculous to suppose that he stayed to be present at the operation. Where facts rested upon the testimony of these two witnesses, they were wholly to be discredited, and the house was bound to consider the full contradiction they had received. Had any matter of crimination existed on the part of the Queen, so advantageous a witness to support it had never been brought into court as Lieutenant Hownam. He joined her Majesty at Genoa when the supposed passion was at its height, and he had continued with her for about three years, during which he must have been well acquainted with whatever criminal acts his royal mistress had committed. The other side had had an opportunity of cross-examining him, after torturing his belief on subjects of every description; and though they pretended to prove acts of indecent familiarity by two or three masons, two or three white-washers, and two or three discarded servants, they had not ventured even to suggest to Lieutenant Hownam any occasion when such scenes, if they existed, must inevitably have passed before him. Both he and Lieutenant Flynn gave the most decisive contradiction to all that was sworn by those much-relied-on witnesses, Gargiulo and Paturzo. He would now notice the evidence that related to the Villa d'Este; first, however, as his learned friend reminded him, saying a few words regarding the embrace which the Queen was said to have given Bergami when he went on shore at Terracina, after the tedious voyage, to prevent the necessity of observing quarantine. All that was proved was, that Majochi being below deck, the Princess had thought proper to have him for a witness of the kiss she allowed Bergami to give upon her lips. Majochi had taken care that nobody else should be present, that he might not be contradicted; but still his falsehood had its foundation in a germ of truth, because all the witnesses agreed that Bergami kissed the hand of the Princess upon deck when he took his departure, which was no more than the rest of the suite were in the habit of doing on similar occasions. He had by evidence proved one other kiss—the kiss on Bergami's visit to Messina, about a mile from the dwelling of the Princess, to make some purchases. Majochi had brought [illegible] to swear, that on parting on this distant expedition here again was a most affectionate embracing, at which he alone was present. However De Mont thought it right on this point to give her friend some [illegible] confirmation, and according to her evidence, that there had been some kissing at their parting, but that her back was turned, and she could not tell whether the kiss was given on the hand or on the face. The truth, no doubt, was that her Royal Highness had given her hand, [illegible]

Dn.

chamberlain might receive the ordinary token of regard. It would be a waste of time to dwell longer on these petty incidents, and he would proceed therefore to the *Villa d'Este*, where that valuable member of society, and gallant officer in the army of Napoleon, M. Sacchi, was first taken into the service of the *Princess*. It was observable that the house had had two discarded servants, Majochi and De Mont, to prove transactions before the tent-scene in the polacre; and two other discarded servants, Sacchi and Rastelli, to speak to events subsequent to it—to establish the most disgraceful facts that ever polluted the lips of man, and which he [Mr. Denman] should have thought no husband of the slightest feeling would have permitted to have been given in evidence against his wife, even if she had deserted his fond and affectionate embraces, much less if he had driven her into guilt by thrusting her from his dwelling; recollecting that the more depraved he showed his wife to be, the more he established his own cruelty and profligacy; and the more imputations he cast upon her, the more he was to be despised for having deserted and abandoned her. He had heard examples supposed to be similar to the present quoted from English history, but he knew of no example in any history of a Christian King who had thought himself at liberty to divorce his wife for any misconduct, when his own misconduct in the first instance was the occasion of her fall. He had, however, found in some degree a parallel in the history of imperial Rome, and it was the only case in the annals of any nation which appeared to bear a close resemblance to the present proceeding. Scarcely had Octavia become the wife of Nero, when almost on the day of marriage she became also the object of his disgust and aversion. She was repudiated and dismissed on a false and frivolous pretext. A mistress was received into her place, and before long she was even banished from the dwelling of her husband. A conspiracy was set on foot against her honour, to impute to her a licentious amour with a slave, and it was stated by the great historian of corrupted Rome, that on that occasion some of her servants were induced, not by bribes but by tortures, to depose to facts injurious to her reputation; but the greater number persisted in faithfully maintaining her innocence. It seemed that, though the people were convinced of her purity, the prosecutor persevered in asserting her guilt, and finally banished her from Rome. Her return was like a flood. The generous people received her with those feelings which ought to have existed in the heart of her husband. But a second conspiracy was afterwards attempted, and in the course of that inquiry she was convicted and condemned. She was banished to an island in the Mediterranean, where the only act of mercy shown to her was putting an end to her sufferings by poison or the dagger. In the words of Tacitus, "Non alia exsul visentium oculos majore misericordia affecit. Meminerant adhuc quidam Agrippinæ a Tiberio; recentior Juliæ memoria observabatur, Claudio pulsæ. Sed illud robur ætatis assuerat: læta aliqua viderant, et præsentem sævitiam melioris olim fortunæ recordatione allevabant.

Huic primum nuptiarum dies loco funeris fuit, deducta in domum in qua nihil nisi luctuosum haberet." The death of her father and her brother had deprived her of her natural protectors, who might have stood between her and misery, " tum ancilla domina validior: et Poppaea non nisi in perniciem uxoris nupta: postremo crimen omni exitio gravius." The Princess of Wales had left this country after the first conspiracy had been attempted and had failed, her illustrious friends—those who had basked in the splendour of her noon-tide rays—had then deserted her. Soon afterwards rumours and reports of the most afflicting kind prevailed, and those rumours and reports at length assumed something of a tangible shape, and her Majesty had been called upon to grapple with them as substantial charges, and he hoped that she had shown that they were utterly unfounded. In that situation, however, she had been deprived of her only daughter. that unhappy child was removed from the means of longer protecting her afflicted mother. In that fatal month, which blasted the hopes of England, November, 1817, it so happened that every one of the material witnesses in this case had been discharged from the service of the Princess. It was then that De Mont was sent away with all her valued secrets; it was then that Majochi was turned away with all his fearful proofs, of he knew not how many kisses, and in the same month those two special gentlemen, Messrs. Sacchi and Rastelli had been deprived of their situations. Thus this illustrious lady, who was supposed to have sinned with so much boldness, and to have loved with such extraordinary enthusiasm, had ventured to turn loose upon the world the four individuals most capable of proving the case against her, and of reducing her to the lowest stage of disgrace and misery. They were discarded servants, and he would say so, though in time all phrases became hacknied in the mouths of men: yet, if after the lapse of 6 years such testimony was to be received, he would appeal to the house in what situation human society would be placed. Reference had been made on former occasions to that bill, which had for its object to make adultery a crime. The draft of it was still preserved in the archives of parliament, and excluded from the right of complaining every husband who had colluded with, connived at, or permitted the offence of his wife. In the debates on that measure it was admitted on all hands, that it was fit that adultery should be considered a crime; but it was also held that it was far more unfit that such an encouragement to perjury—such a premium to malignity—should be held out to discarded servants. Adultery was unquestionably criminal in various degrees, but most especially so when the conduct of the husband had been unimpeachable; but when he had been guilty of immoral practices—when he had committed some flagrant breach of his duty, the feelings of mankind would never accord with the condemnation of a wife. He (Mr. Denman) never could reflect upon the condition of discarded servants, with reference to the matter now before the house, without remembering the immortal words of Burke, where he directed the fire of his eloquence against

spies in general, but especially against domestic spies: he said that by them "the seeds of destruction are sown in civil intercourse and happiness: the blood of wholesome kindred is affected: our tables and our beds are surrounded with snares, and all the means given by Providence to make life safe and comfortable, are converted into instruments of terror and alarm." Discarded servants had it in their power at all times to depose to facts on which they *could not be contradicted.* If *any* man should dare to swear that the noble consort of one of their *lordships had got out of her bed in the middle* of the night, unseen but through the key-hole or the crevice of a door, and crept to the bed of a domestic, how was it possible to contradict such a witness, who had been dismissed, notwithstanding his possession of a secret so fatal, but by the general purity of the character of the illustrious accused, and by the malice of the accuser betraying itself in the very foulness of his charge? One of the servants in the case of the witness to whom he had already alluded, being questioned upon subjects of a foul and filthy description by one of the persons who had attempted to suborn her, had given him an answer full of female spirit and virtuous indignation—an answer which he preferred to give in the original, because he was unwilling to diminish its force, and because being less known the coarseness would be less understood:

Καθαρωτερον ω Τιγελλινε, το αιδοιον ἡ δεσποινα μου του σου στοματος εχει.

To such discarded suborners as Sacchi and Rastelli might this answer be applied. Sacchi had talked a great deal about his being a soldier and a gentleman: he had received the reward of his fidelity on the field of battle, and one of the first proofs he gave that he deserved it was coming forward to betray his mistress. What mighty distinction was there between treachery and perjury—between the man who betrayed truths that had come to his knowledge *in the excess of confident reliance, and* the man who would invent *them for the sake of* a base reward? The witness who was summoned to an English court of justice was bound by his oath to disclose the truth, and the whole truth; but why upon this occasion had Sacchi made his appearance? Because he had been bribed to give his evidence. He had received no summons, no *subpœna*, and no force had been necessary to compel him; he was a volunteer in iniquity, but not for its own sake, but for the most base and sordid purposes, and was equally infamous, whether he came to disclose the real secrets of his mistress, or to perjure himself by the assertion of what was false. The greatest of all traitors—the first apostate to Christianity and human nature—was not foresworn: he only came to betray his Master; yet the execrations of mankind had followed him from that moment to the present. He (Mr. Denman) always thought of this great prototype of treachery and infamy when he saw such a witness as Sacchi advance the Bible to his lips, ready, like Judas, to betray God and man at once with the same blaspheming kiss. Sacchi was discharged in November,

1817, with all these dreadful secrets, if he were to be believed, in his possession, and at that period it might be said that the conspiracy against her Majesty was already formed. If at that time there had been no Ompteda, no Milan commission, and if the Queen, instead of being expelled from her home, had left it for her own convenience and pleasure, yet even then the conspiracy was formed and was sure of being carried into effect. But as there is a period when corruption takes place in the human heart, so there may be a moment of repentance, and, fortunately Louisa De Mont disqualified herself as a witness, by pronouncing in favour of her mistress one of the most cordial and excellent panegyrics that ever proceeded from a servant. With that unequivocal testimony staring them in the face, it was impossible not only not to believe a word that she had sworn in contradiction of herself, but a word that any of the other witnesses had deposed against the Queen. It was, indeed, a most happy circumstance that this female, who afterwards, by the persuasion of her paramour, Sacchi, was induced to appear in the shattered ranks of the enemy, had thus destroyed her own and the evidence of her compeers. It was needless to refer to the precise terms of her letter, written under circumstances which incontrovertibly proved that she must have been sincere she there spoke of her family and her sisters, whom she wished to recommend to the notice and protection of her Majesty. If, indeed, what she had sworn at the bar were true, would she have been so anxious to introduce her innocent relatives to a receptacle of vice and debauchery? Impossible! Human nature could not be so depraved, so lost to all sense of decency and virtue. It was by no means immaterial to call the attention of their lordships to what passed yesterday, when an elderly person from the same neighbourhood of this chambermaid, who had seen in all the papers, to the disgrace of the age, these scandalous proceedings, and had marked the rare inconsistency of the testimony, and the declarations of De Mont, had come forward to depose to the fact. What could be more proper or more natural; for De Mont's declarations were in all respects consistent with her letters, and those letters alone were an acquittal of her Majesty. He positively declared, that if such a witness with such means of knowledge, had so expressed herself in the box on a trial on a charge of this description, her evidence must have procured the instant discharge of the accused from all imputation. When a witness was thus opposed to herself—when one point of her conduct so diametrically contradicted the other—surely the most rational mode of proceeding was to consider the motives that might have operated upon her mind to produce a change, and to impel her to abandon truth. Upon this point it was not necessary for him to enlarge. When the counsel for the Queen had been challenged to produce this witness and that witness, it was impossible for any man not to reflect that she had been surrounded by dangers of every kind. He would ask, if her Majesty had been accused, only two years ago, of the crimes now laid to her charge, she could look to any creature

for a defence and protection with more assurance than to the writer of those passionate *letters?* Yet at this moment she was one of the principal persons brought forward to destroy that character, and sully that virtue, which she had again and again acknowledged. This of itself was a marvellous lesson, and a most singular and providential proof of the necessity of over-ruling the unsuspecting confidence of the Queen. On this account it became necessary *for her* counsel to take the defence into their own hands, and *to determine where no* case was proved, not to meet *imaginary evidence, but to content themselves with* clearing *her Majesty from all that had a shadow of testimony* to support it. *They had held it unwise to expose her innocence to the* possible treachery of the *sister* of De Mont, or to submit that sister to *the perils of* a cross-examination. *Some little* forgetfulness—some trifling slip—some unconscious error on a point that had nothing to do with the real merits of the defence, might give the other side an important advantage over a weak and timorous female. For this reason he trusted that the law advisers of her Majesty would stand excused to all mankind for resting the defence of their illustrious client on such evidence as would have satisfied the utmost severity of a court of justice: Perhaps too great a compliment *had been already paid to the case in accusation by* the production of any *evidence to meet it; for had the question been agitated elsewhere, a judge might have been called upon after the prosecution had closed to direct an acquittal. They had all felt it, and only the remarkable nature of the* case had induced them to deviate from the course *they* should otherwise have pursued. But as there was no end to human incredulity, the Attorney-General would no doubt make many acute observations on the absence of witnesses for the Queen. He would ask where is the sister of De Mont, Mariette, and some dozen of servants who might have been called, and who, by possibility in the perplexity, irritation, and confusion of a cross-examination, might be entrapped into some trivial mistake. *Of this the* house had already had some experience. What a triumph had been proclaimed on the production *of a piece of paper* by Lieutenant Flynn which *was not of the* slightest use, but which, *it was* asserted, had covered him with everlasting infamy. It was curious to look at the cross-examination of this brave officer: the last question, after which he was dismissed as if unworthy of further interrogatories, had reference to the paper he had produced: it was, "Did you not say *that* it was your hand-writing?" In fact, he had never said so; but *it was put into his mouth* as if he had, and the witness incautiously adopted it. It *then became utterly impossible for* him to deny it, though he might fairly enough reply, "If I did say so, it was because I was in such a state that I could not give my attention fairly to the question." With this experience before their eyes—with this example of Lieutenant Flynn, who in all the government newspapers was said to have destroyed a wretched cause by his still more wretched failure, in their recollection it seemed to him that his learned coadjutors had exercised a sound discretion in not calling further

evidence. They had thought that after the proofs—the undeniable proofs—they had already given of her Majesty's innocence, they should do wrong to expose nervous females to the hazard of a cross-examination—when nothing was wanted for the defence, and every little point extorted was important to the prosecution.

The learned counsel was about to proceed to some other parts of the case, when he was interrupted by the Earl of LIVERPOOL, who moved the Adjournment, observing that it was now past the usual hour.—Adjourned at 4 o'clock.

HOUSE OF LORDS, WEDNESDAY, OCT. 25.

The LORD CHANCELLOR having taken his seat, after the usual formalities the Counsel were called in.

Mr. DENMAN resumed his speech.—He was now naturally brought to that part of his address to their lordships in which he had to trace the cause of an event which formed an important feature in these proceedings—he meant the engagement of that individual into the service of her Majesty, whose name had been so much dwelt on at the bar, and so frequently mentioned by their lordships. That engagement took place in October, 1814; and, upon reviewing the circumstances under which it was made, he thought it was impossible for any person to have entered into the service of a royal person with a better prospect and more encouraging hopes of that promotion which followed. Their lordships would see, on reference to Mr. Craven's evidence, page 533, that Bergami was engaged by the Princess of Wales in consequence of an extraordinary recommendation from the Marquis Gizilieghiri, the Grand Chamberlain of the Emperor of Austria, who had long known him and his family. It appeared, also, from the evidence of Sir Wm. Gell, that the Marquis not only treated Bergami on a footing of equality, but that he recommended Bergami to her Royal Highness as a person to be depended upon for honour and fidelity, as one, also, who at that eventful period had suffered in his fortune. His family, formerly of consideration, had fallen into distress from the circumstances of the revolutions and changes in the French government, and was then reduced. This was expressly stated by Sir William Gell, as their lordships would find in page 549 of the minutes: Sir William farther stated, that the Marquis treated Bergami with the highest distinction, and that he saluted him as an intimate friend. At this their lordships certainly could not be surprised when they afterwards found Colonel Olivieri, and other persons of unquestionable respectability, speaking of him in terms of eulogium. But he was not defending Bergami; all that he had to do was to show that the allegations respecting his entrance into the service of her Royal Highness were untrue; and the mode in which he had been introduced was alone important in that respect. He thought

Naples, opened into the garden; that he thought it necessary to have Bergami there; and without the smallest notice being given to her Royal Highness, and without any communication or any knowledge whatever on her part, Bergami was removed from the room in which he slept, and placed in that cabinet. It was most important that her Majesty should have near her a person whose fidelity could be relied on; for no man who read the evidence could for a moment doubt that her Majesty was at this time surrounded by spies, and that there was reason to apprehend that her personal safety was in danger. But, if there should be any difference of opinion on that point, at least this was clear—that her Royal Highness was impressed with a belief to this effect. Now, when Bergami had honestly discharged the service in which he had been employed, could any thing be more natural than that he should have been promoted from the honourable office of page to the still more confidential one of chamberlain? Bergami had qualifications which particularly fitted him for the office. Among others, he had been in the habit of keeping accounts. And when his learned friend asked so emphatically what could be the cause of Bergami's promotion, he would request their lordships, from their own experience, to reflect whether this was not likely to form a considerable recommendation with any royal person in the situation of the Princess of Wales? whether that sole merit of honestly adjusting accounts, regulating the details of expenditure, and saving her Royal Highness the trouble of attending to those affairs, would not be, to a royal individual so situated as the Princess of Wales was, a very strong reason for conferring favor and distinction on such a man as Bergami! It was also to be recollected, that at the time of this appointment, Sicard left her Royal Highness because pecuniary affairs called him to England. It was therefore quite natural, after Sicard had left her Royal Highness, that Bergami should be selected for managing the accounts, and that he should be promoted to the situation of chamberlain—an office for which Sicard, with all his good qualities, was not properly qualified. There was likely to be a considerable difference in point of qualification between a man who had been in military society, and who had been accustomed to hold intercourse with persons of rank, and one who, however respectable, had been in a station, the manners of which were likely to hang about a man through life. Sicard could not have been introduced into society as a chamberlain in the same way as Bergami: but when this individual was honored with the superintendence of her Royal Highness's household he became, as might be expected, an object of envy with others. When he took upon himself the hiring and dismissing of servants, it was likely if he studied the interests of his mistress, that he should raise up a host of enemies against himself; and accordingly not one of the servants or persons employed, who had been examined, but had some complaint to make—either that his wages were lowered, or that he had not received as much as he expected. In short, it appeared that the servants had constant disputes with Bergami or his brother; and

Naples, opened into the garden; that he thought it necessary to have Bergami there; and without the smallest notice being given to her Royal Highness, and without any communication or any knowledge whatever on her part, Bergami was removed from the room in which he slept, and placed in that cabinet. It was most important that her Majesty should have near her a person whose fidelity could be relied on; for no man who read the evidence could for a moment doubt that her Majesty was at this time surrounded by spies, and that there was reason to apprehend that her personal safety was in danger. But, if there should be any difference of opinion on that point, at least this was clear—that her Royal Highness was impressed with a belief to this effect. Now, when Bergami had honestly discharged the service in which he had been employed, could any thing be more natural than that he should have been promoted from the honourable office of page to the still more confidential one of chamberlain? Bergami had qualifications which particularly fitted him for the office. Among others, he had been in the habit of keeping accounts. And when his learned friend asked so emphatically what could be the cause of Bergami's promotion, he would request their lordships, from their own experience, to reflect whether this was not likely to form a considerable recommendation with any royal person in the situation of the Princess of Wales? whether that sole merit of honestly adjusting accounts, regulating the details of expenditure, and saving her Royal Highness the trouble of attending to those affairs, would not be, to a royal individual so situated as the Princess of Wales was, a very strong reason for conferring favor and distinction on such a man as Bergami? It was also to be recollected, that at the time of this appointment, Sicard left her Royal Highness because pecuniary affairs called him to England. It was therefore quite natural, after Sicard had left her Royal Highness, that Bergami should be selected for managing the accounts, and that he should be promoted to the situation of chamberlain—an office for which Sicard, with all his good qualities, was not properly qualified. There was likely to be a considerable difference in point of qualification between a man who had been in military society, and who had been accustomed to hold intercourse with persons of rank, and one who, however respectable, had been in a station, the manners of which were likely to hang about a man through life. Sicard could not have been introduced into society as a chamberlain in the same way as Bergami: but when this individual was honored with the superintendence of her Royal Highness's household he became, as might be expected, an object of envy with others. When he took upon himself the hiring and dismissing of servants, it was likely if he studied the interests of his mistress, that he should raise up a host of enemies against himself; and accordingly not one of the servants or persons employed, who had been examined, but had some complaint to make—either that his wages were lowered, or that he had not received as much as he expected. In short, it appeared that the servants had constant disputes with Bergami or his brother, and

to all the other motives of irritation was to be added that of jealousy at the sudden promotion of Bergami to an office which each of the other servants probably thought themselves equally capable of filling. But when their lordships considered the circumstances under which this person had been promoted, and the manner in which he had discharged the duties of his station, he would ask whether there was any chance that her Royal Highness could have made a better selection? It appeared that Bergami had filled the office of chamberlain with fidelity and propriety; and when he was promoted, her Royal Highness could have no hope that any individual of rank would take it, or that she could have the opportunity of offering it to any other person equally fit for the office. In making that appointment, therefore, she had acted with propriety as well as generosity. But it appeared that the virtuous feelings of this exalted lady were all to be made a foundation for drawing unjust and injurious conclusions. Among her great misfortunes, it was not the least that her very virtues were malignantly converted into crimes: her love for little children had thus been made a ground for calumny. At Genoa the child Victorine was thrown in her Majesty's way: and which did not appear to have been represented as the child of a married man, as had been erroneously stated, but as a natural child in need of protection. What, then, was more natural—considering the well-known character of her Royal Highness for kindness and humanity—than that she should take this child under her protection, and feel for it all the affection of a mother? A similar circumstance in 1806 had led to an inquiry like the present—an inquiry which, he would admit, might then be very proper, because there was the possibility of the succession being endangered, which could not happen now. But if the services of Bergami were such as to render him worthy of being promoted to the situation of chamberlain—if he was qualified for that situation, nothing was more proper, nothing could be a more complete contradiction of any guilty motive, than that that promotion should be made openly and publicly. It was a necessary consequence of that promotion that the individual who filled the office should appear among persons of rank and distinction, and that he should be presented in his proper character to all visitors. What would have been said if he had still been treated in the same manner as he had been when he filled the inferior situation of courier? what would have been said if, instead of appearing to discharge the duties of his office, he had seen no company, but skulked in the kitchen? Would not those who now complain of his sitting at the table of her Royal Highness have said that that was the proof of a guilty passion? What would have been said if her Royal Highness had acted thus on board of the *Leviathan?* What would have been said if, when she went a second time on board of Captain Pechell's ship, she had dismissed Bergami from her table? If she had been disposed to maintain a guilty intercourse, she would have said to him, "We must not let Captain Pechell see our intimacy; we can enjoy in secret stolen hours of lust, but we must not shew in the presence of English

witnesses that familiarity which we are not afraid to exhibit before Italian servants." Such would have been her language and conduct had she carried on the intercourse attributed to her. He would therefore maintain that her Majesty's conduct and treatment of Bergami, so far from being a presumption of guilt, afforded the strongest evidence of innocence, and he would ask whether in this instance the course she had pursued was not that which an innocent person would naturally have adopted? But we are told that her Majesty conferred and promised to confer, titles and honors upon Bergami, and this is made matter of charge against her. It was true he had become the Baron of Francini. But their lordships well knew that the baronies of Italy and Sicily were different in effect from those the possession of which could be traced back to the field of Runnymede, and the heroic periods of our early history. Titles in those countries were to be purchased at a small expense. A few hundreds of livres would create a marquis, and the absence of titles in those countries to a man's name was rather considered as a negative of rank, than the possession of them a distinction of real honor, or importance; and if her Royal Highness was to elevate Bergami to the rank of the principal officer of her household, it was necessary that she should obtain for him some distinction of this kind. Besides, their lordships must be aware that the application of titles was not so strictly regular in the countries on the Continent, except perhaps Spain, as in this. Titles were very liberally lavished on English gentlemen abroad. Most of his learned friends, as well as himself, had been addressed in letters from abroad by the title of my lord: and his friend, Mr. Vizard, her Majesty's solicitor, had in the course of the proceedings been addressed under the title of "Count," by a foreign writer, who wished to give evidence in favour of the Queen; and in this letter [illegible] that apartments might be provided for him by [illegible] as near as possible to his [illegible] palace. [illegible]

the liberty of alluding to this polacre, more especially as he had not done *justice* to that part of the case yesterday, and because there was a *witness who* had attempted, as far as vague allusions could accomplish, *to prove the fact of* adulterous intercourse on board of this polacre, and *to fix the precise time at which* it took place. That witness was no other than Majochi. *It was not thought* sufficient by this man, that from the position of the sofas, and the situation of the tent, he should *infer the fact*; but he was brought *to depose* to *his actual* knowledge of its having taken place. *Their lordships would* see his testimony on this point *at page 26 of the minutes. He stated that* he had heard a noise *which resembled the creaking of a bed*; and then, with the ready talent *for mimickry for* which he was so notorious, he had imitated the noise, from which their lordships were to infer that a criminal connexion had at that time taken place. That was an instance of the powers of his ear, only to be equalled by the wonderful capacity of his eyes in the description which he had given of the scene at Naples, where, between sleeping and waking, he had observed her Royal Highness pass through his room to go to the chamber of Bergami; and in this instance he had heard *noises through the deck. And from* such evidence their lordships were called upon to infer that the connexion had taken place. But, *to look a little* more particularly at the evidence, it was unfortunate that Majochi had stated that there was a sofa in the cabin *where* he slept; *for*, from the evidence of Paturzo (page 609), it appeared he slept in the hold under the cabin, where there was a hammock regularly slung for him, and therefore there was a strong probability that he slept there, and not in the cabin. But when he talks of a sofa it is necessary to look a little at Lieut. Hownam's evidence. From what that officer stated, it appeared that there were only *four* sofas on board, two of which were lashed together in the Princess's *room*, and *two* were placed in the Countess Oldi's room; so that he must have got to *one of these cabins, taken the* sofa out, and placed it *over* his head, in *order* to hear those sounds *of which* he spoke. This was a *twin fact*, *as relating to hearing, to* the *one of* eye-sight, which he had attempted *to* prove at Naples; *and it* was the *only* fact he spoke to, for there he had not attempted to state that any of those indecencies had taken place which had been witnessed elsewhere. He had yesterday alluded to Lieut. Hownam's belief that Bergami slept under the tent, and he should now advert to the opinion of Capt. Flynn, who, on the contrary, supposed that Bergami had slept below, on the voyage from Jaffa. In that supposition there was great probability, for it was corroborated by Paturzo's evidence, which their lordships would find in page 109. Being asked where Bergami slept during the voyage from Jaffa, he said there were two beds under the tent; and when the tent was open Bergami was on the small bed, and the Princess on the sofa; but that, when the tent was closed, he had no communication with that part of the ship, and therefore, he did not know. He was then asked—" Where were the beds placed during the voyage from Jaffa, which the Princess and Bergami used,

as described by you in the voyage from Tunis?" His answer was—"On the sofa there was nothing else but a mattress of the Princess, which was doubled, and the other mattresses of the Princess were placed upon the bed, where they had been placed at the beginning, below." The witness was afterwards asked a question, to which he requested their lordships' particular attention: it was this. —"You stated that the further part of the cabin was divided into two; in one of the rooms so formed slept the Princess, and in the other the Countess of Oldi, and the bed of Bergami was placed in the dining-room: where were those two beds placed during the voyage from Jaffa?" To this Paturzo answered, "The bed of the Princess remained there where it was; as to the bed of Bergami, when he got up it was rolled up, for they had other things—their luggage; for the bed of Bergami had not a bedstead, but was put down on the planks of the corridor, and it was rolled up in the morning, but I never have paid attention to see whether the bed was there or not there." Now all this was perfectly consistent with what Capt. Flynn had stated, who understood that the same arrangement prevailed with respect to the beds on the voyage from Jaffa as on the outward voyage. But there was another witness whose deposition corroborated this supposition, and whose testimony would doubtless be allowed to have some weight with the other side—he meant, Mademoiselle De Mont. At page 292 of the minutes it appeared that that witness was asked—"What became of the *bed that Bergami had occupied in the dining-room?*" *Her answer was,* "*I do* not recollect." From this he inferred that the bed was occupied by Bergami, that the arrangements made on the preceding voyage with respect to his bed continued during the voyage from Jaffa. It would be going a great length to infer, from all that had been stated in evidence, that Bergami slept every night under the tent. Their lordships had heard what Lieutenant Hownam had stated on that subject; but he knew nothing of the matter except from hearsay. He had only stated what he had heard from other persons. It was therefore natural to suppose that when the weather was fair her Majesty had her female attendants with her in the tent; but that when any alarm arose in consequence of squally weather, or when danger was apprehended from the crew—a circumstance very likely to take place in those seas—it was likely that she would then be attended by some of the male part of her suite, and more particularly by her chamberlain, whose duty it was to assist and protect her in danger. It had been asked of Lieutenant Hownam whether he did not conceive that Captain Flynn and himself, being seamen, would not have been a better protection for her Majesty than a landsman? To which that officer answered, with the characteristic spirit of his profession, "I hope we should," but it was also in evidence that these officers were liable to be called up in the night on every squall that occurred, and of course might have been obliged to leave her Royal Highness at the moment when their assistance was most wanted. It was necessary not merely that there should be individuals ready to obey the call of her Royal Highness at any time,

but that there should be also individuals ready to obey her call at all times when she might want assistance. It was in evidence that her Royal Highness had never pulled off her clothes, either by night or day, for the purpose of reposing. It was true that she might have changed them; every other individual in her suite had done the same; but there was not a tittle of evidence to prove that she had ever pulled them off; and therefore, though, as Leut. Hownam has said, somebody might have slept upon the bedstead that was at right angles with the sofa, there was nothing to prove that Bergami had not slept below in the dining-cabin. The next point on which it became his duty to advert was the statement made by his learned friends on the opposite side with regard to the bath in the dining-cabin. If he could show that, as they had described it, the circumstance was impossible —that the testimony given by Majochi regarding it had been afterwards contradicted by the testimony given by De Mont—that her testimony, credible on no other point, was credible on that, because it proved a mathematical fact—he thought that he should show sufficient to convince their lordships that no reliance ought to be placed upon that statement. The testimony of De Mont upon this point deserved the attention of their lordships, because it would be quite ridiculous to suppose, after what they had heard from her, that she would be anxious to invent a circumstance which could tell in favor of her Royal mistress. What, then, had been the language of his learned friends? Why they had told their lordships that a lady of 48 years of age had been attended on board of a polacre in the middle of the Mediterranean sea by an individual whose duty he (Mr. Denman) maintained it to be to attend upon her; and had then asked them to infer that a criminal intercourse had taken place between that lady and that attendant, on deck, under the awning of the ship, because, forsooth, the attendant had ordered a bath to be prepared for his mistress, and had afterwards sent a maid to wait upon her. Was there any thing in the circumstances of the case which could support so monstrous an inference? But what were the real circumstances out of which that story had been fabricated? He would shortly tell them. The natural mode of taking the bath was not in the dining-cabin, as Majocchi had stated, and as he (Mr. Denman) should prove that it could not have been taken; but in the dining-room, which their lordships would recollect was stated to be divided into two distinct parts by a screen; and surely their lordships would not infer that a guilty intercourse had occurred, because, before the bath was taken, a male attendant had attended, as was usual at Paris and at other public baths on the Continent, to see that the preparations were all ready, and the temperature of the water right. The witness to whose testimony he should appeal, in corroboration of what he had just asserted, was Gaetano Paturzo. [Here Mr. Denman looked for the evidence of Paturzo, but was not able to find it. Some time elapsing before it could be found, Mr. Denman apologized to their lordships for the delay, and, whilst his learned colleagues were searching for the passage to which he alluded, proceeded to the following effect:]

—He had just been reminded that the Italian witnesses had thought proper to state, that when Bergami and her Royal Highness were *in bed* they could see each other, in p. 95 of Gaetano Paturzo's evidence, and in p. 118 of Vincenzo Gargiulo's; and yet De Mont, when she was examined on that point, did not confirm their statements, but merely said that she had heard them, when in their respective beds, addressing each other—a circumstance which, on board of a ship, was very natural, and which had never before been considered sufficient to raise a presumption of guilt. At p. 118, Gargiulo is asked "What kind of bed was it that the Princess occupied? was it a single bed, or was it a double bed?" and his answer is "Two sofas joined together, that would make *together* six palms and a half; it was about the breadth of six feet and a half." That was the size of the bed, according to Gargiulo, and Paturzo had proved the size of the room to be ten feet and a half. [Mr. Denman again found himself unable to refer to the immediate passage in Paturzo's evidence, whilst his learned friends were looking for it, he proceeded.] He had been just reminded of another contradiction which could be given to Majochi's evidence, if, indeed, it were important to give any further contradiction to evidence which had already been so frequently contradicted. But Majochi had denied the existence of any *communication* between the room of her Royal *Highness and that* of the Countess of Oldi; but such communication had been proved to exist, as well by De Mont and the other witnesses as by the plan of the vessel which *Paturzo* had drawn at the bar of the house for the use of their *lordships*. The next part of the case to which the Attorney-General had called their attention was the case of Sacchi's arriving at night at the house of her Royal *Highness*—of his going immediately in search of Bergami—and *of his seeing* Bergami coming out of her Royal Highness's room; *from all which it* was inferred that at *that time also a* guilty intercourse had taken place. *But, if their Lordships* would look at the evidence, they would see that it by *no means substantiated* that charge; for, so *far from* saying any thing like *what the Attorney-General had said*, he merely stated that Bergami was not in his own *room*, and that he saw him come out of another, of which he did not know who was the occupier, and from which, because he did not know who was the occupier, it was not *to be* inferred that it was her Royal Highness's. If their lordships *would* turn to p. 430, they would find the [illegible]

[illegible] immediately after midnight.

"Upon your return, where did *you go?*—I dismounted from *my horse*; I went into the kitchen, where I found a footman, whom I asked where M. Bergami was.

"In consequence of the answer, where did you *go?*—I mounted the stairs, and went *into the* ante-room of the apartments of Bergami.

"What did you do on going [illegible]

Bergami asleep; and I went towards Bergami's bedroom: finding the door open, I went in, and saw the bed of Bergami tumbled, but there was nobody in it."

Here, said Mr. Denman, are two servants of Bergami, who could have confirmed the testimony of Sacchi, and yet neither of them had been called for that purpose. The examination then proceeded :

"What did you do upon that?—I went away, and in going away I heard a noise on the opposite side, and at the same time I heard, 'Who is there?' Then I knew that it was the voice of Bergami, to whom I answered that it was the courier returned from Milan. Bergami told me that there was no such necessity to give him this answer.

"How was Bergami dressed at that time?—In his dressing gown.

"Did you perceive what he had on under his dressing gown?—I saw only his breast, which was unbuttoned or untied, and I saw nothing else but his shirt.

"In what place was it that you saw Bergami?—I saw him in a room where there was a door opposite to the door of his room.

"Did you see where Bergami came from?—*I could not see it on account of the darkness.*

"Where did that door lead to, which you have mentioned, which was opposite Bergami's room?—It led into more rooms.

"Who occupied those rooms?—No one.

"Do you know what room was beyond those rooms? do you know where the Princess slept?—I do not.

"Do you know where the Princess's bed room was?—I do not."

And yet (continued Mr. Denman) from this ignorance your lordships are called upon to infer that it was her Royal Highness's bedroom. But in a subsequent part of his evidence it was attempted to prove, directly, that this room was her Royal Highness's room: and how? Sacchi was sent with a letter to Gen. Pino. On his return he delivers the answer to the Princess in her ante-chamber; that ante-chamber is near the place from which he saw Bergami coming on the night of his return from Milan, and, therefore, is the very room from which Bergami came. But the misfortune of all this argument was, that no date had been assigned to this transaction, and yet it appeared in evidence that her Royal Highness had made considerable alterations in the interior of the Villa d'Este. It became their lordships to consider whether those alterations had or had not been made between the two events of which Sacchi spoke: if they had taken place (and had any date been assigned to the transaction, the counsel for the Queen might have shown whether they had or not), he would ask whether it was consistent with common sense to take it for granted, as the advocates of the bill had, that Bergami had come out of her Royal Highness's room? In his opinion, it was impossible that any reasonable mind could come to such a conclusion: that charge was therefore completely got rid

of even as the evidence then stood. He would now desire their lordships to revert to the statements which he had already made regarding the bath scene, and to the manner in which he had introduced them. The evidence which he had supposed that Paturzo had given, regarding the size of the dining cabin, had been given by Majochi, and was to be found at p. 99 of the printed minutes.

"What was the size of the bath room?—Perhaps from here to the first bench, from 6 to 7 feet—a small room.

"What furniture was there in that room?—I remember that there was a sofa-bed, or sofa, where in the morning we placed the cushions when we opened the tent."

Now, if their lordships referred to the evidence which he had formerly read to them, regarding the size of this sofa-bed, they would find it to be 6 or 7 feet long, and yet in a room of the size which Majochi had mentioned, containing furniture of such relative magnitude as Gargiulo had described, their lordships were called upon to believe that this celebrated bath scene had actually occurred. The learned counsel then proceeded to observe, that it might be almost worth while to make out a catalogue of the charges adduced against her Royal Highness, distinguishing those which were supported by several witnesses from those which were supported by a single witness only. There were 10 overt acts of this latter class alleged in the Attorney-General's opening speech, of which three were said to have occurred at Naples, and were to be proved by the evidence of De Mont. Their lordships must be well aware that the three overt acts to which he then alluded were the occurrences on the night of her Majesty's visiting the opera—the occurrences at the masked ball in the Theatre San Carlos—and the meeting in the corridor,—all which rested on her evidence, and on her evidence alone, and in which, therefore, she could not be contradicted by any other witnesses so effectually as she had been contradicted on every other point. Then came the two cases at Varese and Lugano, of which the Attorney-General had said so much in his opening speech, but which—he begged his learned friend's pardon—he had not even attempted to support by a single witness. Then came the case at Catania, which depended on De Mont's evidence alone; then the case at Savona, also resting upon one evidence, then the tent scene at Ephesus; the Cala Turk, described by Majochi, which he alone had seen, but which had been fully disproved by other testimony. Next to them came Sacchi's return at midnight from Milan, with a letter from General Pino, and the discoveries subsequent thereon, of which nobody could say a word except Sacchi himself; and, to conclude all these, next came the case to which he must then particularly call the attention of their lordships—the case of Scharnitz, proved as it was by the evidence of De Mont, and of no other witness. What could appear more satisfactory than the account which his learned friend the Attorney-General had given of the

circumstances which had occurred there? *There* was a *lady* of high and distinguished rank disturbed in her bed at midnight; her *waiting-maid* was sleeping *in the same room* with her—a gentleman entered—the waiting-maid was dismissed—and the gentleman and lady immediately *proceeded to that most intimate matrimonial* connexion which it was the object of the bill to establish. Now was it possible to imagine a more clear and convincing case? *If such facts had* really been proved—*if there had* been no bustle, no interruption, no long delay—if the lady had really undressed to go to bed, or if the lady and gentleman had gone *into* the same bed, *from* which it would have been only fair to infer that they had both gone into it undressed—they (the Queen's counsel) *could not have held* up their heads *in* court for a *single* moment, unless they could have shown that the witness who had sworn to the *facts* was unworthy of credit in every particular. They had, however, done more than this—*they* had not merely shown that no credit was to be attached to the testimony of that witness, but they had actually disproved every tittle of it. They now intended to go further—they charged that particular witness with an intention of deceiving the counsel for the *bill*, by *stating to them circumstances* which made out a *prima facie* case of guilt against her Royal Highness, and by withholding from them *at the same time* certain *other facts which were fully within her* knowledge, and which explained away the other suspicious circumstances. For, what *were the real facts of* this case? It was true that *Bergami and Vassali* had gone from Scharnitz to Inspruck about passports—that they had returned between two and three o'clock in the morning—that De Mont had left her bed when they returned—that immediately afterwards the whole party was in motion—and that they left the place as soon as the unwieldy equipage of a royal personage could be put in motion, during snowy weather, and in the peculiar *circumstances* under which the whole party was placed. Her *Majesty* was then upon her road to the palace at Rastadt, which she had once *intended to take*, though she had afterwards been prohibited from occupying it: and during the whole of *her journey to that place she had been received with all the honours* and attentions which were so eminently due to her rank and character. On that evening, however, in consequence of some mistake in her passports, she had been obliged to stop at a miserable inn, in which there was scarcely a room for her to rest under any circumstances, where there was no accommodation for her suite, where the greatest part of them were compelled to lie upon straw, and where all were obliged to keep on their clothes, except, as De Mont wished at first to insinuate, herself and her Royal Highness. In pages 321, 323, and 363, their lordships would find all the evidence offered by the counsel for the bill to make out *this part of the case*:—

"Who went to bed in that room besides her Royal Highness? did any body?—Myself.

"Did Bergami return from Inspruck that night?—Yes.

"As well as you can recollect, how long after you were in bed?—I do not recollect precisely, because I had already fallen asleep.

"Did you sleep in the same bed with the Princess, or in another bed?—In a small bed which was laid on the floor.

"Upon the arrival of Bergami, did you receive any orders from her Royal Highness? Did she tell you what you were to do?—Her Royal Highness told me that I might take my bed and go."

It was very probable, continued Mr. Denman, that she had done so, for when Captain Vassali arrived, there was no second bed in the room, the little Victorine was on her Royal Highness's bed, her Royal Highness was dressed, and every preparation was immediately made in order to enable her to start as soon as ever the sun should dawn. Whilst upon this point, it would be important for their lordships to refer to the evidence given by Lieut. Hownam at p. 743 But, before they did that, it was necessary for him to remind them, that in the case, as it was first proved by De Mont, there was nothing to show whether her Royal Highness was dressed or undressed, but they were left to suppose that she was without her clothes, as she had gone to bed. It was only at p. 323 that she had let out a fact which showed that there was no criminality whatever in the case. It there appeared that to bed her Royal Highness did not go at all, in the ordinary acceptation of the phrase, but that she had been resting on it till Bergamai returned, and that too in the clothes which she had worn during the day. The evidence, as it appeared on the minutes, was as follows —

"Was there frost or snow upon the ground?—There was a great deal of snow.

"It was a poor inn, an indifferent inn, was it not?—A small inn.

"You are understood to say that you were upon a bed in the room of the Princess: was it so?—Yes.

"Had you taken off your clothes?—Not entirely.

"Had you taken off more than your gown?—I do not perfectly recollect, but I believe not."

So she clung firmly to this ambiguity about clothes. At first their lordships would have supposed that she had been naked, but at last it appears that she had not taken off more than her gown. His learned friend had then asked—

"Had the Princess undressed?—I do not recollect; she was in bed; but I do not recollect whether she was undressed.

"Do you remember the dress that the Princess was in the habit of wearing at that time?—Yes.

"Was it not a blue habit, trimmed with fur, &c.?—Yes, there was a great deal of fur about her dress"

So that at last it had been drawn from the witness that her Royal Highness was not naked, but in a fur dress, which, by-the-by, was not very well adapted

for any such purposes as were imputed to her. After this De Mont was asked another question, from her answer to which it appeared that, having been let into the secret that her Royal Highness and Bergami were living on the same terms as husbands and wives, and were indulging in all conjugal endearments, she was forthwith turned out of her Royal Highness's service, to which she had never afterwards been allowed to return. And, now that he was upon this subject, he would take the liberty of making a few comments upon the letters of this witness, on account of which, though they contained direct proofs of her insincerity, the counsel for the bill had contended that she ought to be believed. His learned friends on the other side had contended that De Mont's intention was to inform her Royal Highness that there were certain persons who were ready to pay her for the secrets which she possessed, and that she was ready to conceal or discover those secrets, according to the manner in which her Royal Highness treated her. Taking the letter in that point of view, what did it amount to? It was a threatening letter. He would, however, maintain that such a construction ought not to have been put upon that letter. The more natural construction to put upon it was this—that she, being not in absolute want, but in no great abundance of money, had written to her sister, desiring her to use greater economy. Her language was, in effect, this—"I am denuded of every thing, owing to my carelessness. Do not you commit the same fault. I have been assailed, in consequence, by several gentlemen from London, whom I know to be spies on her Royal Highness. They have promised me a brilliant establishment if I will depose against her. I know the meaning of their offers: they want me to depose to certain facts"—of which, according to the statement of the Attorney-General, she was the dangerous depositary. Let the construction of that letter be what it might, the conduct of her Royal Highness, upon hearing of its contents, was well worthy of their lordships' consideration. Had her Royal Highness taken any steps to prevent her disclosing the secrets which she was supposed to possess? Had she offered her money? Had she pursued any other measures to conciliate this woman to her interests? No; she left her, without any offer, to her own discretion, until Sacchi took her off to Milan, to give her evidence before that celebrated commission. It was therefore impossible to suppose that she possessed any secret which could derogate from the character of her Royal Highness: and therefore, even taking that sordid view of the case which was taken by his learned friend the Solicitor-General, it showed that the servant was artful, and the mistress innocent. But, from the view of the case which he (Mr. Denman) had taken, he believed the mistress to be innocent, and the servant, at that time, honest. He would now return to the occurrences at Scharnitz; and in doing this would direct their lordships' attention to the evidence of Lieut. Hownam, as it appeared in page 718. Mr. Hownam had there stated, that it had been necessary for some person to go back to Inspruck to procure passports: that Bergami and Count Vassali had gone back for that

purposes, and that they returned very late, about one or two o'clock in the morning. At page 743 Lieut. Howman was cross-examined on this point, and it would then have been very easy for the counsel for the bill, with the information which they were duly receiving from their valuable acquaintance, Sacchi and De Mont, to have reminded him of any minor details, if such there had been, to shake his evidence. Did they do any thing like this? On the contrary, they asked him a thousand questions about the passports, and the snow, and the barriers, and the luggage, but, in all the questions they had put to him, there was not a single question calculated to elicit a contrary fact, and therefore assuming his evidence to be perfectly unimpeachable, he should next proceed to the evidence of Count Vassali, as it appeared at page 937. Now, in introducing Count Vassali to their lordships' notice, he scarcely thought it necessary to observe, that his having been a private soldier in the Royal Guard of the King of Italy was no reflection upon him, nor at all inconsistent with the rank which he at present held. Indeed, when they recollected his military air and polished demeanour, they would see how unlikely it was that he should have arisen from an humble rank in society. Those of their lordships who were at all acquainted with the Continent must be aware, that they could hardly go into any town where there was a respectable young man, without finding that he had been, at some time or other, appointed as a guard of honour either to the Emperor Napoleon, Josephine, Maria Louisa, or the Emperor of Austria, on their passage through that town. The following were part of Vassali's answer:—"It was necessary for Hergarden and myself to go from Scharnitz to Inspruck about the passports. We set off after dinner, after 12 o'clock, and returned between two and three in the morning. On our return we went into the room of her Royal Highness, whom we found sitting on the bed—leaning—half-lying—covered with shawls, or something like it. After we had entered, Schiavini, and then the Countess Oldi, came into her Royal Highness's room from her own; the little Victorine was there also;" and he added, that when he first returned from Inspruck, he saw her on the bed along with her Royal Highness, which Mad. De Mont had carefully kept out of sight, as well as that she herself and her Royal Highness were fully dressed. In the course of their [illegible] [illegible] had [illegible] the police, with whom he (Vassali) had some conversation; after which he was frequently in and out to her Royal Highness, making communications to her about the [illegible] and the weather. The suite remained up all night, making preparations for her departure." When he was pressed respecting the whole of this operation, he gave that answer which every person would expect he [illegible] [illegible] a person was not easy, that he was a waste of [illegible], when he was [illegible] [illegible] [illegible] page of the Royal H[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] understood the impatience of her Royal Highness [illegible] perfectly natural. He said that he had [illegible] [illegible] [illegible] from [illegible]

o'clock on the preceding day, and, therefore, that she could not be in want of rest. This statement of Vassali's was in perfect consistence with that of Lieutenant Hownam, and therefore little doubt could he entertained of its truth. From another part of the evidence it also appeared that Sacchi had been sent to Scharnitz; and yet, extraordinary as it might appear, no question had been put to him about this part of the transaction, to elicit his information on the subject, or to gain his corroboration to the evidence of De Mont: though, from the nature of her evidence, and the manner in which she had been cross-examined, the Attorney-General must have known that it would be questioned, and that it was, therefore, important to corroborate it by such evidence as that of Sacchi. The next part of the case related to what was said to have occurred at Carlsruhe: and here he could not help deploring the situation in which her Royal Highness had been so long placed. In the consideration of this case it would be impossible not to refer, over and over again, to the extraordinary calamities of her married life. She had left the country, after having undergone and defeated one persecution; but still followed by reports invented and circulated by the rancorous malignity of her enemies. She knew that she was surrounded by those who were anxious to destroy, not merely her reputation, but her life: and yet she resorted, in the course of her travels, to not less than fifty inns; at none of which had any thing criminal been endeavoured to be imputed to her except by the respectable Pietro Cuchi, and the equally respectable Barbara Kress. He could not help again referring to the general statement which he had made yesterday. If there was any adulterous intercourse passing between her Royal Highness and Bergami, how happened it that with a chambermaid anxious to discover so important a secret, the linen had not in this, as it had in other instances, betrayed that guilty intercourse? How was it in the intercourse which it was alleged had occurred in the polacre? There, it was true, there was not any, what he should call body linen, to betray it; but then there was the matting. Did it betray any marks of such intercourse? There was not even an attempt to extract such a fact from De Mont; and if she had said that there were any marks on it, she new that she must be immediately contradicted. Now how stood the fact at Carlsruhe? Was it possible to doubt that, from some unfortunate attempt to destroy this illustrious lady, individuals thought that it might be to their advantage to pursue her with fresh calumnies? How else came it to pass that, for the first time since the Reformation, a Hanoverian Minister had been sent to the Court of Rome? Why, for the first time, had the Minister of this Protestant Court been accredited to his Holiness the Pope? Why was it, except that the Baron Ompteda might sit at her Royal Highness's table, at once her guest and her betrayer? Why, whenever a question had been put regarding the name of that individual, had one of his learned friends always started up with an objection—always closed the mouth of the witness, and erected an obstacle to the investigation of truth, which they had repeatedly declared was the sole object of their labours? It was evident that

Majochi had been instructed by somebody, and for some hidden reason, to say that he did not even know the name of Ompteda; that it was as unknown to him as that of any chieftain in the Sandwich Islands. He was asked, did not the Baron dine at the table of her Royal Highness? His answer was, that he might have done so, but that he did not know him. Then he got to a sort of a half-knowledge of him as a Prussian Baron with an extraordinary name; but yet knew nothing of his extraordinary transactions. De Mont, however, admitted that she knew his name; but she, kind soul! knew nothing of his being a spy—had never heard of his picking any locks, and had never been informed that he had made any attempt to obtain her mistress's letters, until she was told so at the bar of their lordships. He had called their attention to the evidence which *had been given in this case*; but it was quite as important that they should give it to the evidence which had been suppressed; for they had been told by Rastelli, that active agent of the Milan commission, who had been abstracted from the country, that he had accompanied Mr. Cook, who was at the head of that commission, to Frankfort, to see Maurice Credi, who it was in evidence had confessed to Lieutenant Hownam that he had been employed to pick the locks of her *Royal* Highness's cabinets by the Baron Ompteda. Why was not Maurice Credi, *whom he knew to be in England*, called in behalf of the prosecution? He was without doubt as ready to have told all that he knew, and perhaps more than he knew, as any of the witnesses who had been examined. But his learned friends on the opposite side were aware that, if they had placed him at the bar, he would have been compelled to disclose all the transactions in which Ompteda had employed him. He had been examined by Mr. Cook: why, he would ask their lordships, had he *not been* examined by the Attorney-General? There was another witness also in the *country*, of the name of Annette Preising, the attendant chambermaid with De Mont; but she had not been called, though the Attorney-General had declared *himself willing* to prove every thing material on either side. Now, with regard to the *evidence of Majochi*, their lordships could not have forgotten that when he had denied all knowledge of Ompteda, and said that he was quite a stranger even to his name, he (Mr. Denman) had introduced to their notice the evidence of William Carrington, and had then called his attention to different circumstances which he had mentioned. William Carrington had no sooner left the bar, with the approbation of every honest man who had heard him, than materials for his *cross-examination* were sought after by the first lord of the Admiralty. Carrington's Captain was sent for to town, and the whole of his life was submitted to the strictest examination. Did he (Mr. Denman) complain of this? By no means: if it were not irregular, he would with all due humility return his thanks to the noble lord for it, because he would say of that individual, what foreign [illegible]

[illegible]

the [illegible]

and that one of those very ministers, on her Royal Highness's arrival, had invited her to accept of his rooms at the inn, which, the very moment she quitted, he returned to, and ran about busily examining every little circumstance which he thought could lead to even a suspicion of guilt. Could there be a doubt on any man's mind, that these persons so employed had thought they had caught her Majesty in a trap, from which she should not be able to escape, and that they were anxious to find some willing instrument to depose against her? Now what had the witness (Kress) said in page 182, and the following pages? She described herself as having seen the Princess sitting on Bergami's bed, Bergami having his arm round her neck, which he let fall the moment the witness appeared · and here the remark which he had so often made again occurred—that each witness who is called to any particular point, so shaped his testimony, as that that part of the case rested only with himself. This Kress, however, did receive a contradiction from the witness Sacchi—a contradiction which he could not have given without suspicion to himself. The evidence of Kress on this point was in page 182 She was asked—

"What sort of a bed was placed in No. 12?—A broad bed.

"Was that bed in No. 12 before the Princess arrived? or was it placed there after her arrival, and in consequence of that arrival?—There was another there before, but I had been ordered to put a broad bed; I had been obliged to put this broad bed in before the Princess of Wales arrived.

"Had the courier of the Princess of Wales arrived before that bed was placed?—The courier had arrived, and then I placed this broad bed to which I allude."

Now, continued Mr. Denman, the inference intended to be drawn was, that the courier had been sent on to have a broad bed placed, as the beds at Carlsruhe were small: but in page 135, their lordships would find Sacchi's account of this matter. He said, "I continued to distribute the lodgings as far as Carlsruhe; but when we arrived at Carlsruhe, there having happened the same thing that had happened at Turin, that is to say, the change of the bed-rooms, I did not meddle with it any more during the rest of the journey, leaving to her Royal Highness and Bergami to choose what rooms they liked best." So that, so far was he from giving directions for the change of the arrangements, those he made were altered. Here, then, was a manifest contradiction to Kress. Now, Kress stated, that having to carry water to the room No. 12, she saw Bergami as he had before described; and she also said, "the courier had arrived, and then I placed the large bed," &c. But might she not have got that order from the officious Mr. Baron Grimm, who seemed to interest himself so much about the disposition of her Royal Highness's room? But, be that as it might, Kress declared that when she got to the room, her Royal Highness started up, as if frightened at being seen. He begged their lordships' attention to what she admitted in her cross-examination on this point. She was asked—

Dex.

"After you had seen the person you took for the Princess in the evening in Bergami's room, did you go to see whether the Countess of Oldi was in her room?—No, I carried water immediately to No. 5, and there they were standing; at No. 5, the Countess lodged.

"Did you not go to No. 5, in order to see whether the Countess was there?—Yes, I went just there.

"Did you not go there for the purpose of seeing whether the Countess was there?—I went, and saw just that it was the Princess.

"Did you not go there for the purpose of seeing whether the Countess was there?—No, I went not there; I just carried the water there.

"Will you swear you did not go to that room, upon the oath you have taken, in order to ascertain whether the Countess was there?—I went just there to carry the water, because I must do this, as I did it every evening.

"Will you swear, by the oath you have taken, that you did not go to that room in part for the purpose of ascertaining whether the Countess was there?—I cannot say this; I did not go for that purpose; I have never thought *that* I should be asked about this." And, continued Mr. DENMAN, the *interpreter* added, *she* says, "I have never had any thought about this; I never thought that I should be asked about it."

So it appeared she knew well what she was to be asked, but such a point as this was, of course, not put into her mind. She was then asked—

"Will you swear, upon the oath you have taken, that you have never told any person that you did go to the room of the Countess for the purpose of seeing whether she was there or not?—I cannot recollect it; I have no thought about it, whether I have said it to any body.

"Will you swear that you have never had any conversation with any person about your going into Madame Oldi's room that night?—I can swear that I never had a conversation with any body about this matter, namely, that I went there for the purpose of ascertaining whether the *Countess of Oldi was there* or not.

"Will you swear that you have never had any conversation with any person about your going into Madame Oldi's room that night?—Nobody has asked me—nobody told me any thing; there was a gentleman who asked me whether I had been in the room; I told it to the gentleman who had asked me."

So that it appeared she could not recollect the conversation, or whether she had any; nor could she recollect her having gone to the Countess of Oldi's room for the purpose of ascertaining whether she was there. At best, she was in doubt as to who was there; and when their lordships took that circumstance, and the other fact where she was contradicted, into consideration, they would, he was sure, see that, instead of this showing any guilt on the part of her Royal Highness, it only manifested the incessant efforts which were made to adduce something which might affect her character. The exertions which were made to

induce this woman to give her story were astonishing, and full proof of the efforts which he had just spoken of. She was taken to Hanover, and there questioned by one ambassador; to Frankfort, and examined by another; and though she did not speak of a recompense, their lordships would judge whether the compensation which she admitted was not sufficient for one of her description. The story of the grey cloak, which this witness said she saw one morning on Bergami's bed, and which she afterwards saw on the Princess, was allowed to rest upon her unsupported testimony. In page 188 she spoke of having seen stains on the bed, but this part of her account was left isolated. They were not told whether this occurred before or after the alleged scene of the Princess sitting on Bergami's bed, nor was it said to be before or after her having found the cloak. All that was said by Kress about them was, that she had seen stains on the bed, and that they were wet and white. Now, when their lordships looked at the other parts of the case, they would find that this was impossible. He said it was impossible that, if they were such stains as was wished to be inferred, they could be white, and in a state of humidity. Kress stated that she was a married woman, and had often made the beds of married persons, but when asked to describe the stains she had seen, she replied—" You will pardon me, I have not reflected on this—I have had no thoughts on it whatever." If she had no thought on it whatever, why was she brought here? If what she had stated was true, why she would have declared it, and not have been seized with that fit of modesty for which he had heard her praised. Hers, however, were not the blushes of expiring modesty; no, they were the blushes of expiring truth, which she struggled to give up at their lordships' bar; for she knew she was swearing what was false; and to prove this perjury with which he charged her, he would call their lordships' attention to that part of Lieut. Hownam's evidence in page 717. He was asked—

" Do you remember being at Carlsruhe?—I do.

" Who received her Royal Highness at Carlsruhe."—There was a grand chamberlain received her Royal Highness on getting out of her carriage, and a chamberlain appointed to attend her always after.

" Do you remember the name of that gentleman?—The Baron d'Ende.

" Did her Royal Highness pass the greater part of her time at Court, or in retirement, whilst she was there?—Almost always at Court, or in the family of the Grand Duke.

" Where did her Royal Highness usually dine during her stay at Carlsruhe? —At the Court, or else at the Margravine's, the Grand Duke's mother."

Here, then, their lordships had it in evidence, that the utmost attentions were paid to, and parties made to receive, this illustrious lady, who had been described as a destitute outcast from the society of her relatives; as a prostitute who had degraded herself, her rank, and her country, and who was no longer worthy to be continued in the enjoyment of the honours of her elevated station.

"What did they do?—Bergami complained of the head-ache, and caused his sister to accompany him to the inn.

"About what time in the evening was it?—About 5 o'clock.

"Did her Royal Highness leave the Grand Duke's at that time?—She remained with the Grand Duchess.

"Did you remain?—I did."

This circumstance of Bergami's illness was too remakable to escape his memory, and he accordingly recollected it minutely. He was next asked—

"Did you come away with the Princess?—Yes.

"At what hour?—Late in the evening.

"What was done at the Grand Duke's after Bergami and Countess Oldi went home?—Amongst other things, they sang.

"*Did you sing yourself?*—With the Grand Duchess."

At p. 914 he was asked to fix the time at which the dinners took place, and also at what hour the theatre and the evening parties commenced, and he does it in such a precise manner as not to leave the slightest doubt on the subject. He described the dinner hour as at about 3 o'clock, and that they remained at table till about half-past 4. The evening parties began between 7 and 8, at which time her Royal Highness returned from the Grand Duke's on the night to which Kress's evidence applied. Now, at first, this answer of Vassali's might seem to be somewhat in confirmation of Kress; but, in another part of his evidence, he so far accounts for the whole time as not to leave a doubt on any mind that what Kress said must be false. At page 959 he was asked, "Are you rightly understood that on the second night of her Royal Highness's residence at Carlsruhe she returned from Court to the inn at between 7 and 8 o'clock?—Between 7 and 8 o'clock." At page 961 their lordships would find the following questions put to Vassali at the request of his learned friend Mr. Brougham:—

"When her Royal Highness returned, the second night she was at Carlsruhe, from the palace to the inn, did you accompany her?—I did not.

"When did you go there?—When she returned home between 7 and 8 o'clock.

"That is the time at which you are asked did you accompany her?—Yes, between 7 and 8.

"Into what room did you accompany her Royal Highness?—The saloon.

"Whom did you find there?—Bergami and his sister; and another person of the suite came to meet her.

"Was Bergami dressed at the time?—He was in an uniform.

"How was her Royal Highness dressed at that time?—I cannot remember how she was dressed.

"Do you recollect whether she was in a court or state dress?—In a dress of great splendour.

"*Did her Royal Highness remain for any time in what you call the saloon?*—Some time; *then we went to the Margravine's.*

"*Did you go all together, Bergami accompanying her Royal Highness as well as yourself?—Yes.*

"*How long did you all remain at the evening party at Court after that?*—*Till about ten o'clock.*

"Did the Princess *remain in the saloon the whole evening, from her return from dinner till she went out to the evening party?*—Yes."

Here, then, their lordships had *the whole time* of the evening accounted for; so that it was impossible the story *of Kress could be true,* unless, indeed, they could believe that Vassali had perjured *himself, which he conceived no one* who heard him could for a moment imagine. *His learned friend had put some* questions to Vassali about the times and places of dining, *particularly with the* King at Munich, every day they remained there, and he accounted *for them* all in a satisfactory manner; and though he might not have been as minute in his recollection on this as on what took place at Carlsruhe, yet it was more natural that the latter should impress itself on his mind, he having dined every day either with the Grand Duke or the Margravine. *Here, then,* was an end *of* the story of Kress. It *was most completely upset by the most convincing* evidence; *and if there were no other circumstance to be adduced, this one would* be *sufficient to cast suspicion* on the rest of the case. *But if they effectually* destroyed the testimony of Kress, the female waiter, what could be said with respect to that of the male waiter—this man who, thinking that something might be got by it, occupied himself in peeping through a key-hole—(a most happy employment for a person of his honorable profession)—where he saw Bergami, four or *five mornings* out of the six which he said they remained at Trieste, coming in a sort of undress from the room of her *Royal Highness?* What should be said of this waiter, who, speculating in the profitable trade of a witness, adventured to *England* to try his *fortune in that character?* But he would not describe *him*; *if their lordships forgot the man, they would never* forget his learned *friend's* (Mr. Brougham's) portrait of him. It was remarkable that the only two witnesses who spoke to such acts as this Pietro Cuchi had described, were not only unsupported in their statements, but actually contradicted themselves. This man spoke positively to her Royal Highness remaining at the inn for six days; but on this part of the subject no question was asked of De Mont or Sacchi. Cuchi swore positively he could not be mistaken as to the length of time being six days, though he could not recollect whether a Sunday was one of them. His account was, that through a small hole in the wainscot—a secret place which could not be visible to any person within the dining room—he saw all the circumstances which he described. He saw [illegible] walking from the room of the Princess by Bergami, four or five times. He saw the parties conversing familiarly every day of the six they remained. Now it was

most true that her Royal Highness remained only one night at Trieste. He however, as a lawyer, would not press this subject further. It would hereafter come on in another place—for her Majesty's counsel did not think they could perform their duty if they did not place the perjuries of this waiter in such a a light as that they must receive their deserts. If he were to be found in Cotton-garden at the proper time—if he should not (imitating the example of Rastelli) have gone off to quiet the fears of his anxious relatives on the Continent—if, he repeated, he were to be found at Cotton-garden in the proper time, her Majesty's counsel owed it to her Majesty, they owed it to the human race, to show that such wretches as this could not by wilful and corrupt perjury impeach the character of the realm, and, in England, be allowed to escape with impunity. The testimony of this waiter was most satisfactorily refuted by the evidence of Mr. Hownam. He positively stated that her Royal Highness and suite arrived at Trieste, and remained there only one night. They arrived on the 15th, and left it on the evening of the 16th. This fact was particularly fixed in the mind of Lieut. Hownam, for, on the evening of his arrival at Venice from Trieste, he wrote a letter to the lady whom he since married, which letter was put into the post-office on the 17th. That letter, he stated, he had now in his possession, and which bore the Venice post-mark upon it. Upon this testimony the Attorney-General offered no question. If this positive disproval of Cuchi's account, this downright proof of his perjury, needed confirmation, it would be found to be amply confirmed by the evidence of Count Vassali. He did not mean to dwell further upon some of the low and disgusting details which were stated on this part of the evidence, for, if this were only a case of key-holes, and chamberpots, he was sure their lordships would not be sitting there to investigate it; yet he could not but inquire why had not De Mont been examined upon this evidence? Why had she never said a word about it? The reason was plain—because in that case she must have known that she could be positively contradicted. Surely, if Bergami had slept out of his room, and in that of her Royal Highness, or if she had slept in his, it must have been known to those who attended to their rooms, and of course to this chambermaid, by the appearance of the beds on the next morning. In the absence, then, of such evidence, which it was most easy to produce if the facts were true as stated, what was to be inferred, but that the adulterous intercourse had not taken place? It was evident that the object in carrying on this prosecution now was to affix a stigma on her Majesty, and to attribute to her Majesty conduct implying indelicacy, and which was disgraceful to her rank. The Attorney-General had, in his opening speech, dwelt on the scenes at the Barona with an emphasis which led him to expect evidence of a most minute and circumstantial and undoubted kind. According to that statement, the Villa at the Barona was nothing better than a brothel, the balls which were given there were not fre-

quented by persons *of rank and character, but by individuals* as low in rank as they were *low* and *degraded* in their morals. *This representation had been* seconded and enforced by the Solicitor-General in his *summing up;* and he *would* say that it was a statement which ought not to have been *made* without the *consciousness* of ability to make it *good* by clear and indubitable *testimony*. *But* it had not been proved either *that* these scenes occurred with the *knowledge of* her Majesty, or that they occurred *at all*. Their lordships could not forget the endeavour made to convert the exhibition of the tricks of Mahomet, a person described as *undeserving the* name of man, into a *most* serious charge against his royal client. *No one circumstance of indecency had, however,* been *established* in *evidence*, as connected with this transaction. Then again it was asserted that persons of distinction who had *previously been in attendance on* her Majesty's person could attend no longer, and withdrew in consequence of what they observed to be passing at these balls. The *immorality* was described as having been so great, that they could not, with any due care of their own reputation, remain longer to give their countenance to what was *going forward*. But after such a representation, was it not natural to expect—was it not in effect *necessary to the case—that some of these individuals should be called? It was* too much for any counsel to talk of *motives as well as actions*, without being able *to prove the facts contained in his allegations. These censors of morals—these* delicate critics on propriety—these persons of rank—were not to be found amongst the witnesses for the *prosecution*. The *only* witnesses were De Mont, Majochi, and Sacchi; every other witness stated distinctly that he had never seen any impropriety, nor experienced any *disgust at what took* place at the Barona. They all agreed that if any thing irregular happened, it did not fall under her Royal Highness's *observation*. It was in evidence, *that during the* stay of two months which her Royal Highness made at the *Barona*, Bergami was absent for a considerable part of the time; and *as to the usual deportment* which was *observed* between her Royal *Highness and Bergami, the whole that* was stated by *their own witnesses on the other side* amounted to this—that her Royal Highness sometimes used the pronoun 'thou' in addressing Bergami, and that he used the word 'Princess.' One of the questions put by his learned friends was, "Did you observe, during this time, Bergami doing any thing to the Princess?" To be sure such a question was a pretty good *bolus* for any witness; and very little doubt could be entertained that it arose out of information received from Milan: yet, what was the answer, as delivered at their lordships' bar? A complete negative to the question. It was found difficult to make *witnesses repeat in open* day, and in the course of that solemn inquiry, what they had willingly deposed at Milan, and what had been there *listened to* as willingly. "I *saw nothing particular*," said the young lady; "but a story was told of something which had passed in the house to her Royal *Highness*." If their lordships referred to page 433 of the printed minutes of evidence, they

would find that the criminatory part of this statement was not borne out by the testimony of Sacchi. When Sacchi was asked "What description of persons attended these balls?" his reply was, "At the beginning, besides the persons in the suite of her Royal Highness, there came also some people of distinction; but in these balls were introduced people of all ranks, and of both sexes, and even of very low condition, and as between some of the suite of her Royal Highness and these low women there was some freedom, thus the people of distinction were no longer seen." He could easily believe that Sacchi and others of his acquaintance had indulged in freedoms of the kind alluded to, and so far he gave implicit credit to his testimony. But what was the answer given by him to the question, whether "the Princess was always present at these balls, and in the same room with these people of low description, and the girls who came there?" The answer was, "Sometimes." This was all that could be got even from Sacchi, and even immediately after the anecdote—that pure offspring of his fruitful brain—about the population of the Barona, and of the observation made by her Royal Highness respecting it. In page 465 it would be seen that their lordships themselves had pursued this examination, and had put the following question to the witness—"You are understood to have stated that the Princess was present during the balls mentioned by you, as given by Her Royal Highness at the Barona how long was she usually present at those balls?" What, then, was Sacchi's reply to this question? "As her Royal Highness had her own apartment contiguous to the ball-room, where she had her own party, so she came from it, and entered the ball-room, where she usually stayed 3 or 4 minutes, and then returned." Here was all the evidence that could be procured of the licentiousness which was alleged to have taken place on these occasions, and of her Royal Highness's knowledge of, and privity to, that licentiousness. The answer of this man to the next question was remarkable—"You have stated that the women were taken out of the ball-room at the will and pleasure of the men: do you remember that on any one occasion the women were so taken out of the ball-room in her Royal Highness's presence?" Sacchi himself said that "he never made the observation." It appeared, therefore, quite manifest that these entertainments were nothing more than little festivities, such as many ladies of the first rank, and of the most unblemished honour, were in the habit of giving to farmers, or to their tenants, labourers, and servants. There was no evidence of any thing beyond this, except the story told by the witness of his having himself slept with three girls who attended at the balls. But to give dances or entertainments to persons in the humbler walks of life was never before made a ground of accusation, or an instrument for destroying the reputation of an innocent and honourable woman. Suppose that a couple returning from one of these balls had toyed a little on their way back, had indulged in a little dalliance, was it to be considered as a fault or crime on the part of her Majesty? It actually happened to be the practice in England for

individuals in an elevated station to give countenance occasionally to the harmless mirth of their inferiors in rank. What would be thought of him who should charge one of those individuals as an accomplice in the offences or irregularities that followed on such occasions? He had heard a great deal of a landlady whose name was said to be Rosina, and had looked forward to proof that her house was one of ill fame, that it was frequented by the same kind of society, and that men and women were there in the habit of retiring together from the public room. By a reference, however, to page 742 of their printed minutes, to the evidence of Lieutenant Hownam, as there detailed, and also to page 934, where the same evidence was confirmed by that of Count Vassali, it would be seen that no such scenes ever took place. In Pomi's testimony a description was given of these entertainments, which must inspire every man with regret that he was not present at them. (A laugh.) They were in fact very elegant and good-humoured festivities; the young ladies who attended never came without their natural protectors, and the most perfect decorum reigned, as far as the Princess had any cognizance of what proceeded. Antongena was a most respectable man, intimately acquainted with the neighbourhood and the character of the inhabitants, and it appeared that his daughter and himself were regularly present at these assemblies. Weak and amply refuted as the case for the prosecution was, it became still important to animadvert on the minuteness and particularity by which it had been characterized. De Mont was to be the great means of misinterpreting every part of her Majesty's conduct, of arraying her very virtues in hostility against her. The affection and fondness which she evinced towards children—and a more amiable feature of character could hardly be imagined—had been converted into new matter of suspicion. But there was not one single allegation in the charge which had not been cut to pieces in the course of the defence by adverse testimony, as well as exposed by its own utter improbability. He had in some measure to express his gratitude to the *non mi ricordo* gentleman—to Signor Majochi—for the account which he had given of the exhibition of Mahomet, and for the manner in which he had contradicted and refuted that gross misrepresentaion. According to his statement the exhibition was of the most innocent kind: it might be absurd, but it was not profligate; it was what might be witnessed without offence to any man or to any woman. The truth of this account was fully borne out by the evidence of Mr. Hownam and of Mr. Granville Sharpe. So much for that part of the case: but he now begged to recall their attention to the circumstances as stated in the testimony of Sacchi, and to the complete contradiction with which Sacchi's statement had been met. It had been asserted by Sacchi, that on one occasion the weather was so *hot*, that the windows of her Royal Highness's place of residence were thrown *open*, that he himself had risen from his bed to air himself, and that Bergami thought this a very good opportunity of clandestinely stealing to the bed of his Royal mistress. He was sorry to detain their lordships with so many allusions to the

nauseous and incredible tale related by this man; but it was his duty to remark, that, if his evidence were believed, it must place the character of every man and woman, be they who they might, at the mercy of any discarded menial. If the case were strong in itself, if the testimony came from unpolluted lips, and was derived from sources the most pure, such evidence ought to be listened to with jealousy and suspicion. Even though not infected by treachery and ingratitude, even though given without any motive to accuse or to traduce an innocent person, it was enough to raise a feeling of incredulity in every unprejudiced mind. But here the fabrication had been entirely controverted, the slanders of discarded domestics had been repelled. He would, however, now pass on to page 429, in which would be found a material part of Sacchi's evidence. It was not his intention to go over all the monstrous obscenities which were there detailed, and with which their lordships' ears had been offended: but was it not remarkable that De Mont, who was on the journey to Sinigaglia, should not be called to support and confirm the account of Sacchi? Was not this, to say the least of it, a very surprising omission? But, however, it was sworn by Sacchi that he, during that journey, went every morning near her Royal Highness's carriage to ask whether she wanted any thing. When asked, "Who travelled in the carriage with her Royal Highness?" he replied, that "sometimes there was the Countess Oldi, and sometimes the little child of Bergami." At length the worthy and modest witness disclosed the important circumstance of her Royal Highness and Bergami being found asleep with their arms across the persons of each other. Now he would not here contend that this was impossible, but remind their lordships how, when pressed on cross-examination upon this point, the witness had sought refuge in a pretended defect of memory—a happy defect of memory which might possibly save Majocchi from the legal punishment which he so richly deserved. Their lordships, he was sure, could never forget how directly the evidence of Sacchi, in this particular, had been contradicted by the adverse testimony of unimpeached and unimpeachable witnesses. They could not fail to remember the satisfying evidence [illegible] her [illegible] the contradiction [illegible] tect. It was there sworn that Carlo Forti, [illegible] courier on that occasion. At page [illegible], [illegible] tion, which was [illegible] by his learned friend [illegible] strictness, and when two circumstances were [illegible] tion, he [illegible] declared that it was impossible [illegible] cular. He said that Sacchi was [illegible] Carlo Forti, acted as courier at [illegible] the Cavalier, and was [illegible] [illegible] independence. [illegible] though De Mont was on the journey, [illegible] and a [illegible] of every fact [illegible]. They would [illegible]

confirmation of *Carlo Forti's testimony* in page 722, during the evidence of Lieutenant Hownam. It there appeared that the carriage in which the Princess travelled *had no curtains* which could be drawn by a person outside. *It was*, in fact, an English landaulet, with spring blinds attached *to it*. Mr. Hownam stated that, although Sacchi set out as courier, *he was immediately taken ill*, and Carlo Forti was substituted for him in that capacity. On his cross-examination, in page 744, with reference to this subject, when asked about the travelling at night, and the stop at Fano, he stated that he could not recollect whether Sacchi was there *or not*; he was not quite certain as to the description of carriage used by her Majesty on the road, but *it was her general practice* to travel in an English carriage. This statement was made *in a manner that of itself* stamped *verisimilitude* upon it. They had next upon *this subject* the evidence of Col. Olivieri, a man of the first respectability, and of whom it would be obviously unjust not to speak in terms of the highest approbation. In page 907 he would be found to have stated, that her Royal Highness set out on her journey to Sinigaglia about midnight, and that she travelled in what he called a *carrozina*, or English *chariot*. He had, he said, the honour *of supping* with her *previously*. The Chevalier Vassali stated the time of departure to be about ten o'clock at night—a discrepancy plainly immaterial. The Countess Oldi, Bergami, and his child, rode in the same carriage with her Royal Highness. Lieutenant Hownam and *Count Vassali were both in attendance*. [*Mr. Denman here read a* part of the evidence given by the latter.] Colonel Olivieri distinctly observed, on this occasion, that when her Majesty set out in the landaulet, Carlo Forti acted as courier, but he did not see Sacchi at all. The whole of this statement was subsequently confirmed by the evidence of Vassali. It was hardly necessary to go over the whole of that evidence, and, if he did so, he feared he would exhaust their lordships' patience. *It would perhaps be sufficient* to call their lordships' particular attention to those parts *of the evidence that* were decisively important. In page 939 of the minutes of evidence, *Vassali*, *speaking of the journey from* Rome *to Sinigaglia*, would be found to have deposed as *follows*:—"*I cannot precisely say* how long the journey lasted. Perhaps about three days. I remember very well in what carriage her Royal Highness then travelled: it was an English landaulet. I remember that the Countess Oldi, M. Bergami, and little Victorine, travelled with her Royal Highness. He was asked, "Who *travelled as courier to her Royal Highness from* Rome to Sinigaglia?" The answer was, "I saw Carlo Forti on horseback." "*Did you see Sacchi on* horseback during that *journey* ?—No," "How long had Carlo Forti beeen in the service?" In answer to which he stated particularly those circumstances—"*that* Forti was hired provisionally at Loretto, but afterwards permanently or *definitively* at Rome;" and he farther stated, that he believed Sacchi to have been spared from the duty of *carrying* dispatches, in consequence of his having suffered considerably in *a former journey*. Their lordships would find that Vassali was cross-examined (page 941) with a great

deal of particularity and acuteness; but in no one circumstance, which he had before stated, was he found to contradict himself. Here, then, was M. Sacchi swearing to an improbable, an incredible, an indecent fact, said to have been detected by him on the highway, while he was riding by a carriage, the curtains of which could be drawn on the outside, the whole of which was contradicted. He was contradicted as to his having rode in the capacity of courier at the time by the person who actually did ride as courier; he was contradicted by Colonel Olivieri, who saw Forti ride out as courier, and who did not see him, he was contradicted by the improbability of two couriers being employed, he was contradicted by the Chevalier Vassali with respect to the carriage in which her Royal Highness travelled on that occasion. In short, he was decidedly contradicted by Lieutenant Hownam, by the Chevalier Vassali, by Colonel Olivieri, and by Carlo Forti—by four unimpeached witnesses—on that part of his evidence which was so much relied on. Was any confirmation of his evidence attempted? De Mont had endeavoured to confirm that part of it which related to the distribution of the carriages, but that was completely disproved, and the statement made by her Majesty's witnesses remained uncontradicted by any evidence whatsoever. Was it possible, when the story was incredible, when the fact was in itself impossible; when the witness, from his own account, was unworthy of credit (for he appeared to have come here for the express purpose of asserting that which was triumphantly contradicted)—when this was the case, must they not inevitably conclude that his story was altogether false? and, if it were false, what became of the whole of his evidence? what became of his private anecdote? what became of his detail of a conversation with the Princess (a conversation perfectly incredible), as to his own filthy and indecent familiarities with the women at the Barona? What became of his statement of the conduct pursued by individuals at the Barona, which was said to have disgusted numerous persons of rank and family, not one of whom was called to prove how they had been disgusted? In the evidence of De Mont, it was stated that her Royal Highness was black-balled, when she sought to be admitted to the Casino at Milan, on account of the impropriety of her conduct. Whether the fact really was so or not, he could not tell. If it were so, he was sure the circumstance did not arise from any impropriety of conduct on the part of her Royal Highness, but because she was the wife of the Prince Regent of this country—his persecuted, calumniated, exiled wife—doomed to wander over the face of the earth, without a home—banished from this country, where she should have found a home—those witnesses who had before defended her honour, and upheld her character, being [illegible] over to the ranks of her enemies, and placed in a situation which he would not trust himself to comment on. Evidence could not be found to support all those facts which he had stated, and [illegible] her Royal Highness had been boldly charged. Was it necessary for him to go further? Was it necessary

that he should go through the whole list of adverse witnesses—the Bianchis, the Mejanis, the Oggiones, the Finettis, and so on? Was it necessary for him to go into any detail on the subject of their evidence? Had he not given a specimen of them all, when he showed that Cuchi's perjury was made apparent, he having been positively contradicted as to the important fact of the residence of the Princess at Trieste? But, if he were anxious to point out more particularly what had been done in the way of direct contradiction and disproval, he would ask their lordships to look at the story of Adam and Eve—one of the most foul, offensive, and disgusting charges that had been made against her Majesty. He would not describe it—he would only say that Guggiari, who intimately knew the disposition of these rooms, and the place in which the statues stood, proved, beyond the shadow of doubt, that it was utterly impossible for a man, in the situation stated by the witness Ragazzoni, to see what he had declared he had seen. The plan that was produced by Guggiari afforded the clearest contradiction of Ragazzoni's testimony. Had any contradiction of those counter-statements been offered? None whatever. Could his learned friends say that they did not expect the evidence of their witnesses, on these points, to be contradicted? They must have known the contrary. Why, therefore, were they not ready to support the credit of those witnesses by other testimony? When Ragazzoni stated what had occurred in the grotto, it was most essential for the other side to have called on him to draw a plan of the place. They had heard of plans formed by Ratti and others. It was fitting that it should be so. Why, then, did not his learned friends call for a plan of the grotto? They had not done so; and, on the other hand, it was shown, by a short statement of facts, perfectly consistent with truth, that Ragazzoni could not have beheld any such scene as he had described. This was only a specimen of all the evidence. It showed what men would do—what men would swear—when powerful temptations were held out to them to commit perjury. And it proved how cautious all men ought to be before they entered into a system which led directly to the encouragement of that most foul offence. In page 224 it would be found that Ragazzoni stated that he and another witness, Dominico Bruzo, on a particular night, when there was a sort of house-warming at the Villa d'Este, when all mankind were admitted to enjoy the festive scene, observed the Princess and Bergami sitting in the garden on the same seat. What was there extraordinary or improper in this? Nothing: only his learned friend (the Attorney-General) had stated that this circumstance took place at two o'clock in the morning, which certainly was an extraordinary assertion, and made the supposed detection a matter of considerable importance. But, when they looked at the evidence of Dominico Bruzo, who was with Ragazzoni on that occasion, and came to consider the mode of counting the hour in Italy, it was found that, instead of this scene having taken place at two o'clock in the morning, it happened at half-past nine at night, when the Italian peasantry were, more than at any other hour, in active motion—when they were busily engaged in enjoying the beauties of the happy country in which they lived. The circumstance occurred when the place was just as open and as public as at mid-day, at the very moment when those gardens were illuminated, and when all those low persons who had been described as attending

the entertainment were walking about. Antonio Bianchi (page 397) stated the extraordinary fact of her Royal Highness and Bergami bathing in the river Brescia. He swore that he had seen them embark in a boat or canoe; that they proceeded to bathe; but, when they saw the witness rowing a boat with four gentlemen in it, they ran away, and again took to their boat, in which they sailed down the Brescia, which, he supposed, would have carried them to the Lake of Como. But, according to the evidence, if they did what Bianchi had stated, if they sailed down the Brescia in this manner, it is most likely that they would have been devoted to destruction. The Brescia, when there was any water in it, was described to be a rapid mountain torrent; and, as to the navigation of the river, the evidence of Lieut. Hownam proved it to be impossible. This single fact proved the insurmountable impudence of persons who came over here to abuse English ears with tales which every Italian must known to be false. Lieut. Hownam said that the river was not navigable. Why was not the fact disproved? His learned friends had a number of Italians in this country, not one of whom was called to contradict the statement. The story told by Bianchi looked very well upon paper, while it was uncontradicted, and was just as good as any other fact in the case, but now it was clearly shown that the river Brescia was a place where individuals could neither bathe nor sail in a boat. If it were not so, and if, as Bianchi stated, there were four gentlemen in his boat, it was strange that not one of those four gentlemen was called to help out his evidence. Why was this single person, Bianchi, only called, if there were four gentlemen present? Surely it would have been more proper to have adduced hem as witnesses than the boatman Bianchi? Guggiari, another witness, stated that he had seen her Royal Highness carried in a boat from the theatre at Como, and that he actually saw her saluting Bergami with her lips four times—a greater number of times than either Majochi or De Mont had wrought up their consciences to speak to during a period of three years. In the course of his evidence he had mentioned Lago Maggiore, by whom his statement, as to the Princess's having kissed Bergami, was entirely contradicted. It would, he thought, have at least been decent to have supported the testimony of Guggiari by that of some other of the boatmen. His learned friends on the other side had not done so; but it so happened that her Majesty's counsel did call one of the boatmen who were present at the time spoken of by Guggiari, who negatived the facts in the most decided manner. This witness, Guggiari, was one of those who gave his learned friends an opportunity of confirming his testimony by others who were present at the period he spoke of. He stated, in page 426, that he attended in the pantry, and that he heard the Princess and Bergami coming out of the dining-room, and going into some other room, where they locked themselves in. He swore that he constantly saw great familiarity between them. In answer to a question put by one of their lordships, he said that Rancatti, his brother, and a certain Giovanni Capella, were present. Now, if his brother were there, and another certain person (there were generally two or three witnesses stated to have seen particular acts), how did it occur that only one of those individuals was called? why was not Guggiari's evidence supported? But it so happened that one of the persons whom the witness had named (he alluded to Carlo Rancatti) was called,

for some other purpose, before Guggiari made his appearance at their lordships' bar, and he was never asked a single question as to what took place when he was with Guggiari in the pantry. What were they to infer from this? If persons were called to speak to matters that could be confirmed, and if they were not confirmed except with respect to facts that were plain and palpable—if, in addition to this, witnesses whom they themselves had mentioned were brought forward, and contradicted them—what could be inferred from such a circumstance, but that the case was altogether unfounded? Lago Maggiore proved that there was no kissing in the boat: Rancatti had sworn that such a familiarity took place at Caprile—but he proved it just in the way in which such a witness would attempt to prove any thing. These, he knew, were trifling circumstances; but, for the reasons which he had before stated to their lordships, they became, on that very account, most important for her Majesty's defence. He trusted their lordships would look seriously to those points, and that, in doing so, they would not lose sight of the fact, that the most dangerous falsehood was that which was grafted on plain truth—which was connected with some act which no person ever thought of disguising or hiding. Much of the conduct of her Royal Highness had been misrepresented; and it was only for the minds of the most profligate of human beings to fancy that acts perfectly innocent in themselves ought to be considered as proving the seeds of impurity to exist in the breast of her Majesty—as showing that her Majesty was influenced by base motives. When the question arose with respect to the motives of her Majesty, and when he had stated to their lordships the motives which, it appeared to him, naturally accounted for the elevation of such an individual as Bergami—where were their lordships to seek for motives of an opposite kind, and why should they look for criminal motives, to account for a line of conduct which was fairly and justly accounted for already? Were they to draw an inference of guilt, infamy, and degradation, from those corrupt, those perjured witnesses, who had contradicted themselves, and had been contradicted by others, on every important point—who had not been confirmed on matters where confirmation was possible—and who, therefore, were not in a situation to command the smallest credit? He [illegible] ceived, on reference to the note he had taken, that he had passed by one part of the evidence unnoticed. It was hardly necessary, perhaps, to advert to it, as their lordships would find it on their minutes when they came to look at the whole case. He adverted to the monstrous, the plain, the palpable falsehood, uttered by Sacchi, when he told their lordships that, above 12 months ago, he had been obliged to change his own name, and assume that of Milani, on account of the tumult that took place at Dover. He had done this, it seemed, [illegible] at a time when no such tumult had taken place, but when very few people in England contemplated the proceeding which rendered the attendance of [illegible] witnesses necessary. This one point showed that Sacchi was not fit to be [illegible] or to be relied on in the smallest degree. He now came to the next [illegible] witness on this trial—the most important, undoubtedly, of all, [illegible] confirm the facts sworn to by Sacchi—he meant Giuseppe Rastelli, [illegible] been reproved for considering one of the most active agents of the Milan commission, but who now appeared, from the evidence before [illegible]

have been one of the most active agents any commission ever employed. He hoped he would not be misunderstood as to his view of the conduct of that commission. They had heard a great deal relative to the motives which caused it to be sent out, and a great deal also with respect to the way in which it conducted itself. With respect to the head of that commission, Mr. Cook, he had no interest in concealing what he thought of him. He could not say that he had ever heard any thing of him that could induce him to speak unfavourably. He felt a disposition to praise him; but he owned that that disposition received a very considerable and involuntary check, when he found that Mr. Cook could stoop to accept of the mean office which that commission imposed on him. Mr. Cook was a profound lawyer; his mind was calculated for great and extensive scientific research; no man possessed greater knowledge on abstruse legal points, but of all the lawyers in Westminster-hall, he confessed there was not one, in his opinion, less likely to be selected to cross-examine witnesses with effect. His whole habits, pursuits, and experience, rendered him unfit for a situation in which it was of the utmost importance to check willing witnesses in the course of their depositions—and also to check those who were placed under him, when he disapproved of the means by which they strove to induce witnesses to come forward. With regard to Col. Browne, he was sure it was not disrespectful to a military man to say, that, in a situation which required so much caution, so much prudence, he could hardly be supposed capable of giving any efficient assistance. It therefore resulted, that the only active commissioner was Mr. Powell, who, they now found, was the attorney for this prosecution! and, he believed, the very first attorney who was ever able to collect evidence, and to bring forward witnesses, by the exercise of those compulsory powers that were allowed on this occasion. Col. Browne was no more than the hand that brought the witnesses before Mr. Powell. Col. Browne was the agent of this government, employed to operate on the government of Austria, and he had the power of bringing before Mr. Powell all those witnesses whom Majochi and Sacchi mentioned to be necessary. This was the only instance in which the Attorney was permitted to act as the sole commissioner. He would make no observations on so novel a mode of proceeding. He was sorry that Mr. Cook had taken the office; perhaps he was not displeased that Mr. Powell was the person who actually filled it. Rastelli was first engaged as a witness, and then as a courier, and he begged to call their lordships' attention to what struck him as a great impropriety—the employment of the same person in this double capacity. It was very hard, in those times when he was employed as a courier to this commission, to add to his labours the exertion of a witness. There was no necessity for a farther stimulus to action. Considering that, during a considerable time, this witness and others had an opportunity of watching the conduct of her Royal Highness, it did appear to him to be a most incorrect proceeding, one that never before had taken place, to blend the character of witness and courier in the same individual. And he must say, that Mr. Powell, independent of the power which he otherwise possessed for procuring witnesses, had, in the first instance, a very great advantage, by the preparations which Rastelli was enabled to give to those whose testimony he wished to obtain. Rastelli went to Frankfort to see Maurice

Credi, and so did Mr. Cook. That person was not examined as a witness, but there could be no doubt but that he was one of those on whom Rastelli made his experiment. Annette Preising was also sought after, and brought to this country, but she was not examined. It appeared curious to see Rastelli thus, as it were, beating up for recruits. It was evident that, being so employed, he would endeavour to keep up that employment as long as he possibly could; and next, that he would use his best efforts to procure witnesses that would support his own testimony. He had sworn that he never offered money for witnesses to depose against the Queen: but that statement had met the most decided and unequivocal contradiction. The most material fact of all, however, must be fresh in their lordships' recollection—the striking and important circumstance, that one of the witnesses—he who told a story that reflected on her Royal Highness's character more deeply than any other statement, which exposed her to a degree of suspicion, even when it was disproved, of the most foul and hateful kind—that this man, who acted as witness, as agent, as clerk, he would say, on whom, above all others, the punishment due to the crime of perjury should have been inflicted, provided they could have convicted him, as he doubted not they could have done, with reference to some most particular facts—this witness, after a distinct pledge had been given on the part of the prosecution that he should not quit the country, was suffered to go back to Milan, to beat up for more recruits, to bring forward new facts, or to see how far the old charges could be supported by fresh testimony! They were told, and told with truth, that the injury inflicted on her Majesty, by being deprived of the opportunity of examining this man, the moment he was called for at their lordships' bar, could never be repaired. It was impossible to say that it could be repaired. These were the words of truth and soberness. It was a deep and serious injury, not to have had the opportunity of examining Rastelli on the moment, as to facts of great importance. He had, however, disappeared. He was, somehow or other, sent away on the 14th of September; and now, on the 25th of October, no hope was held out as to the period when he would return: what security, then, had they that other witnesses might not also be sent away? It was said the prosecutors wished that truth, and nothing but the truth, should be told in this case; and that, if perjury were committed, the person so committing it should be subjected to the penalties attached to that crime. Where was Rastelli to be found? But this was not the worst part of the story. Rastelli was sent away at the particular moment when he had it in his power to beat up for new witnesses, and to add, by the forcible means that had been so unscrupulously employed on this occasion, new facts to the case that had already been stated. He thought that her Majesty's counsel had much reason to complain of great want of candour in the whole of this proceeding. It required all that statement of candour which some individuals in their own defence had dealt in, to get over the circumstance of Rastelli's abstraction. If it had occurred through any want of recollection, through any forgetfulness of what had passed, that this man had been sent out of the country, it was the duty of those who had pledged themselves that every witness should be retained, to have given them immediate notice of Rastelli's absence? They ought not to have left her Majesty's counsel to make this discovery. If this man had returned on the 3d of October, they never would have

heard that he had been sent out of the country. He would have appeared before their lordships as a person that had been confined in Cotton-garden—as one who had been constantly kept within those walls, and denied all communication with any individual. Her Majesty's counsel ought to have been made acquainted with the fact that he had been sent away, as would have been done in any ordinary case. But they wanted to indict him—and then, for the first time, it appeared that this man had fled for some reason or other of which they were ignorant. Whether the witness would return he knew not; but it was important to look at the peculiar circumstances under which that escape was made. When Mr. Powell was first examined on this point, he told their lordships that the sending away of Rastelli was his (Powell's) own act—that he recommended that he should be sent away, and had caused an application on the subject to be made at the Foreign-office.

Here the LORD-CHANCELLOR intimated to Mr. DENMAN, that, if he wished it, time would be allowed him to take refreshment.

Mr. DENMAN expressed his thanks for their lordships' kindness, and requested their indulgence for half an hour. He then retired, accompanied by his learned friends.

Precisely at a quarter past 3 the counsel on both sides returned to the bar, the lords took their seats, and

Mr. DENMAN resumed.—In the course of the observations which he had submitted to the attention of their lordships, it has been his most anxious wish to advert carefully and minutely to every part of the case, and he was not sure, in looking back, that there was any single part left untouched by him (though many parts might have been more fully discussed) except the circumstance of her Royal Highness's exhibition at the little theatre in the Villa d'Este. Upon that part he now begged to offer a single remark. On the occasion now alluded to, or some other occasion, when representations were exhibited in the theatre which had been built in the Villa d'Este during her Majesty's absence on the long voyage, she is stated to have personified Columbine, Bergami being the individual who represented Harlequin. Upon the attempt made hence to derive an inference in favour of the preamble of the bill, and make it a ground of charge, that a person of her illustrious rank should have acted Columbine, he would make a remark, which was quite familiar to their lordships, that such a representation in Italy was as different from the Harlequin and Columbine at Drury-lane as any two sets of dramatic characters could possibly be from one another. The name in Italy was *Harlequino*, and the person who represented that character was the servant or valet of the lady who was called *Rosalea*, and who, instead of being in love with *Harlequino*, was the lover of another gentleman called *Lelio*. What was known of those characters from the English theatre was most incorrect when stated of the Italian theatre. This distinction was so well known, that he had felt quite surprised when an inference was attempted to be drawn from representations in Italy, as if they had been similar to those exhibited in this country. Upon this part of the case, as upon all the rest of the circumstances attempted to be made important on the other side, he had to observe, that undoubtedly there might have been on the part of her Royal Highness too much affability—too

much familiar condescension—too much of a disposition to enjoy and to encourage all the innocent pleasures of life. But she possessed the peculiar talent, which very high rank was found often to possess, of indulging at times in the most familiar intercourse, without losing her claim to that respect—to that deference—to that attention which it belongs, not only to good subjects but to gallant and honest men to pay. But recurring to the Milan commission, his learned friend (Mr. Brougham) was supposed to have said that he did not charge any conspiracy upon the other side. His learned friend's observation however was, if a conspiracy had existed, which it was no part of his case to prove; supposing a conspiracy to have existed, and to have produced the whole of the case on the other side, it would have exhibited all the symptoms and all the results that arose from the Milan commission. This observation he (Mr. Denman) now adopted and repeated. If they could not prove a conspiracy, and perhaps they could prove it, but if they could satisfy all men that the case against her Majesty was false, then had they a right to say that all that had occurred, that such a series of aggressions upon the dignity and the honour of her Majesty the Queen, afforded much better reason for suspicion, much stronger ground for conclusive reasoning of the whole originating in conspiracy, than any reason or ground for reasoning against the Queen which they had been able to manufacture by their vast means—by their unbounded resources—by their uncontrolled power. If the witnesses on the other side were not bought by bribes, or forced by the hand of power, then they came here as volunteers; they came as the apostles of morality, without scrip or staff, without silver in their pockets, without shoes on their feet, and without two coats to their backs; they came from a tender regard to the honour of the English crown, from a feeling sympathy for the moral interests of this vast empire. But the moral interests, at least of this country might have been better consulted by withholding their communications at that bar; because, whatever moral results might be expected from this proceeding, the case as it at present stood, was productive of the most pernicious effects. The most innocent occupations of life were connected with the most vicious ideas; the most common familiarities were vitiated by the taint of impurity. Supposing all the facts proved, which he did say, were refuted and contradicted, but supposing her Majesty proved guilty of all the charges against her, still would this proceeding leave room for the most mischievous casuistry which would find excuses and extenuations for impurity—which would weigh female weakness in the balance against insult and persecution; still would this proceeding leave a most fatal, a most degrading, a most unfortunate impression as to the effect of the great principles of domestic morality in all future ages. It would not now be left to the other side to say that only something was proved in opposition to their case. Their case was not proved, it was not proved in one single instance. But the evidence given in all parts of their case was from witnesses deserving of no credit, independently of the positive contradictions given to them. He had been going to proceed, however, with his remarks on the Milan commission, and on the absence of a witness who had acted in the double character of a witness and a collector of witnesses. This extraordinary and double character he shared

with Sacchi, and De Mont was the first person procured to give evidence by such means. That witness Rastelli, was withdrawn, and from Mr. Powell the reasons for having withdrawn him had been asked as they ought to have been. He requested their lordships' attention to the evidence given at their bar by Mr. Powell. They would find it in page 611 of the printed evidence. There Mr. Powell stated that he had sent Rastelli as courier to Milan, that he had got a passport for him in the foreign office; and then their lordships would find that he entered into full explanations of the motives, reasons and grounds, *which had induced him to send Rastelli.* Now, if it was fact, as stated by Mr. Powell, that the sole reason for sending a courier to Milan was to assure the relatives of witnesses of the safety of those witnesses, he begged to know why Rastelli should have been the person selected? The answer was, that Rastelli had brought several of the witnesses over to this country. But all of them wrote letters· why should Rastelli be the courier to carry those letters? Were the families of the witnesses such extraordinary sticklers for legal evidence that they would not believe on hearsay and that when the handwriting was submitted to them, they would not believe it unless it was proved to them upon oath? Why, but Rastelli stated that he did not know their families personally.

The LORD-CHANCELLOR.—What page?

Mr. DENMAN.—Page 413.

"Who are the persons with whom you came?—Some I know, some I do not know; I know some, because we came together, but I had never seen them before.

"Who are they?—They are various, I knew them by sight before, but I had no intimacy with them.

"State their names?—Of some I can say, the others I do not know.

"State the names of those you do know?—Carlo Rancatti, Geralimo Mejani, *Paolo Oggione, (these he hoped, were still in the country, as they had been examined as witnesses.)* Philip Riganti, end Henrico Baie"

Neither of the two last had been examined as witnesses, and either of them, having accompanied all the witnesses whom Rastelli had accompanied, might have gone with Krous, and delivered the letters of the witnesses to relieve the fears and remove the apprehensions which their relations might feel. When Mr. Powell, not cross-examined, but examined with all proper consideration by their lordships, said that he had fully expected Rastelli's return on the 3d of October, he stated that he had given special instructions for that purpose. That was, Mr. Powell thought it essential that Rastelli should be present at the trial that was going forward—now going forward in this House of Peers, and not at the trial in any other place, of which he (Mr. Denman) hoped and trusted there was little chance. Mr. Powell then told their lordships that he had every reason to expect that Rastelli would be soon in England. This Mr. Powell had mentioned two or three times in his evidence. At last Mr. Powell, on the Saturday, stated that in consequence of the instructions he had sent to Colonel Browne, *he had no doubt that Rastelli would return immediately.* Those remonstrances were to have the effect of curing even the fever. The instant Mr. Powell's instructions should be presented, Rastelli was to take up his bed and

walk. Now he [Mr. Denman] thought he had heard it read in the correspondence that there was some shuffling suspected on the part of Rastelli, because perhaps he had heard that the pillory, though abolished in England as to other offences, was still applicable to perjury. He was also sick of his confinement, and probably the longer it continued the sicker he became. Colonel Browne wrote back that he would "press Rastelli the moment he left his bed, and that he was also on his pillow." Yet, in spite of his shuffling, in spite of the sickness of confinement, in spite of the great difficulty which Colonel Browne communicated to Mr. Powell, in spite of all these things, Mr. Powell, on the 13th of October, stated to their lordships that he had every reason to believe that Rastelli would be very soon in England. Mr. Powell again stated that he had not had the least idea that Rastelli would be wanted again by their lordships. Why, then, had he ordered him to be back on the 3d of October? Why, during the trial before their lordships, if he had no idea that he would be wanted again—why had he said that he never would have sent him if he had not felt an impression that he would be here on the 3d of October? Another person, too, might have tranquillized the minds of the families of witnesses. But when Mr. Powell was again examined, on Saturday, the 14th of October, he told their lordships that, in addition to letters to the families of witnesses, Rastelli carried papers to be legalized which were to be presented, not to the House of Commons, but to their lordships on the 3d of October. What those documents might be it was difficult for him to comprehend. Only it was clear, from this part of Mr. Powell's evidence, that the whole truth was not disclosed on the first occasion, for Rastelli had carried papers to be legalized, as well as letters to the families of witnesses. It appeared, then, that the communications of a client, he supposed he must say, to the Attorney, stating that a witness was ill of a fever, were protected from inquiry as confidential correspondence. Mr. Powell said, if he (Mr. Denman) recollected right, that he stated to Rastelli that he must be back on or before the 3d of October. But he stated on another occasion "O! I did not expect that he would be called on as a witness till the bill came before the Commons." What difference, then, did it make whether he was back on the 3rd of October? None whatever. But in a letter written by Mr. Powell, and dated Lincoln's-inn, 13th September, another statement was made: there it appeared that Rastelli had not been sent solely for tranquillizing the Italians, or legalizing papers, but it appeared that he was sent for these reasons:—"I now return you Rastelli, as I conceive he may be of use to you" (the resident commissioner at Milan, and the most active in getting up evidence.) Was this for the purpose of tranquillzing the feelings of Italians? No, it was to be of use to Colonel Browne, and his instructions were "Come again with all the information you can collect." He (Mr. Denman) really did not mean to falsify the evidence of Mr. Powell, he only asked, whether if a gallant, and not very well informed witness for the Queen had given this evidence, they would not have heard a thrill of delight, a rumour of applause, a triumph of joy trumpeted through the streets of London, that he had been detected in something like prevarication and falsehood. When addressing their lordships upon this subject he would mention as an instance of the nefarious industry exerted against the illustrious individual for whom he had the honor of addressing

their lordships, that he found a statement in a daily paper respecting the evidence of Lieutenant Flynn, as to a paper which he had shown to be of no importance, that "this witness had been consigned to infamy." Nothing could be more wide of truth than this statement. But he now referred to it as connected with the evidence of Mr. Powell for the purpose of contrasting the evidence of a witness who manifested the most nervous trepidation and most hesitating manner with the evidence of Mr. Powell, the attorney for the prosecution, and asked whether there was not more prevarication in the evidence which he had just read than in the evidence of Lieut. Flynn? In the same paper it was stated that the husband of Madame Martini was a bankrupt. Their lordships could not fail to recollect the decision and the indignation with which that lady had repelled the insinuation. It really was not worth his while to notice such falsehoods, but they showed the uniform part which the venal press acted against her Majesty, they were assiduous in denying her the presumption of innocence which belonged to every accused—they resorted to every art of misrepresentation, distortion, and calumny.

Lord Darnley (we understood) asked what paper it was the learned counsel read from.

Mr. Denman.— It is the *Morning Post*. The whole of the evidence against her Majesty had been sworn by discarded servants, dismissed from the service of her Royal Highness for misconduct, and dismissed by that very individual with respect to whom they swore to improper intercourse on the part of her Majesty, and against whom they must entertain every feeling of humiliation and resentment. He complained that he and his learned friends were still in entire ignorance as to the extent of the powers with which the Milan commission had been invested; but, from what had appeared in evidence on that subject, he thought it would have been proper that they should not have been permitted to exercise such powers as they had used; for he thought that it would not have been possible to have pitched on a worse person as a witness than that Rastelli, whose absence her Majesty's legal advisers had now so much cause to regret. If they had him now, in what a different situation would they have been from that in which they had first seen him. It was in vain to call his absence a loss to her Majesty's cause, and to say that some equivalent should be allowed: the loss was irreparable, their lordships could not grant any think like an equivalent · as well might their lordships attempt to recall past time, or to arrest the present moment, as to grant any adequate compensation for this loss. Would their lordships propose to give him and his learned friends a Cucchi as an equivalent, to strike his evidence out? That was done already; his testimony was destroyed. Would they, in return, give up Rapazzoni and his Adam and Eve scene? That too was already gone. all the evidence of all the other witnesses was destroyed—annihilated. What equivalent, then, could be granted for the absence of Rastelli? In the whole mass of the evidence for the prosecution, in the whole 500 pages, it was impossible to give them the benefit of any respectable testimony which would be equal to the disreputable evidence which they had lost. On the subject of Rastelli's agency, Pérggro Pomi had given most important evidence. He stated that, having gone to the Barona, he was there met by several persons, including Rastelli and De Mont,

and Rastelli told him that as he had been in the house of the Princess of Wales, he was an individual who would make a good witness, as he must know many things against her Royal Highness. Pomi replied, that he knew nothing of the scandals thrown out against her Royal Highness, and on her house; and that he had seen nothing but what redounded to her praise and entitled her to his admiration. "But," said Rastelli, "never mind that; here is De Mont, who has made a good day's work; she has done well for herself; and, Pomi, if you have any thing to depose, now is the time to come forward and obtain something." Afterwards they went to an inn and drank: and what was said there?—"Rastelli told me that De Mont was still in the service of her Royal Highness; (a fact that had been carefully concealed by herself,) and then I found out that she was here. I said I had been a long time in her Royal Highness's house, and knew nothing against her. He said I know nothing against her either; but cannot you say you have seen Bergami lifting her on an ass, and putting his hands under her petticoats? I replied, that that was a real falsehood, for I had never seen Bergami treating her otherwise than with the greatest respect;" and so this application ended. But was it to be supposed that every other similar application ended in the same manner; Did their lordships suppose that Ragazzoni, who spoke to the Adam and Eve scene, did not speak in consequence of a similar application. It appeared, nor only that money had been offered, but that in some instances these offers had been backed by the influence of the Hanoverian government; and under such circumstances, any man would readily see the means of making his fortune. The witness Pomi had stated things from which it was seen that Rastelli was not the only agent who had been similarly employed: from his evidence it was clear that Reganti had been employed in the same manner. Was it not, then, a great deal, that he and his learned friends, without any list of witnesses, without any specification of time or place, should have been able to detect two of the agents of this conspiracy—Rastelli, who had been taken away, and Reganti, who had been kept back? At page 890, it would be found that Rastelli had said to Pomi, "Now is the time to get a fortune, and to make yourself a man. Have you not seen Bergami, when assisting the Princess to mount her donkey, put his hands under her petticoats." To which Pomi replied, that it was a falsehood, &c. This evidence was of considerable importance: for, on referring to the early part of the evidence, their lordships would perceive that Majochi, at Genoa, would fain have made a heavy charge of embracing, when her Majesty was only lifted on her ass by Bergami. It was thus that truth was made the foundation of falsehood. He meant to have stated to their lordships that Reganti was at present in this country, and consequently might have been called to contradict Pomi; but the only person called with the view of contradicting any part of the whole body of evidence in the defence, was Captain Briggs, on whose testimony he should make one or two observations before he closed his case. He now begged leave to direct the lordships' attention to the evidence of Omarti, the clerk. That individual said he had repented of his conduct, and he (Mr. Denman) wished that others had also repented before they carried this business to such a length. This witness stated that Vilmarcati applied to him to possess himself of papers relating to her Majesty's defence, that

he had the scandalous weakness to agree to the proposal, and that he received 300 livres for papers so furnished to Vilmarcati. Now his learned friend's cross-examination, in every part of it, clearly showed that they were acquainted beforehand with some parts of the transaction. The witness had stated that he went to Col. Browne to complain that Vilmarcati had not fulfilled his promises of reward, and that Col. Browne shut the door to prevent the conversation from being overheard, and his learned friends on the other side, by their mode of cross-examination, admitted that Col. Browne shut the door, but wished to make it appear that he did so to make the witness tell his name. Well, then the man said, "I got the papers for Vilmarcati several times, and I repented in the beginning of the year." Then he was asked by the Solicitor-General, if he did not as late as July furnish Vilmarcati with papers relative to the queen? By that very question it was admitted that something of the kind was going on with Vilmarcati, and, therefore, he (Mr. Denman) did not require any more of that man's evidence. He and his learned friends had no list of the witnesses against her Majesty, but their lordships would perceive that his learned friends on the other side had had the power of knowing every witness who had been called for the defence, from the papers furnished by the clerk. Why then, as the case now stood, there was a case of as great and heavy imputation against those gentlemen as ever he had seen made out in a court of justice. He would not deny that it was due to Col. Browne to make farther inquiry into the subject hereafter; but he would say, that with the knowledge which Col. Browne had of the business, it was his duty to be here to stand a cross-examination, if he could, and contradict the testimony of the clerk. His learned friends on the other side could not have been ignorant of the process against Vilmarcati at Milan, which had been dismissed, not for want of proof, but solely because the papers to which it referred were of no importance. (The Attorney-General was understood to say that he had not been aware of that process.) He thought his learned friends must have known of it, and therefore he had been induced to make this observation, subject to any remarks that they might think proper to make on it afterwards. Still there was every reason why Colonel Browne should have been on the spot from first to last, to explain his conduct as far as he was connected with the Milan commission. He had no business to be at Milan in order to attend to the duty imposed on him by others as an agent: his first and paramount duty was to be here to vindicate his own character. It most undoubtedly could not but be matter of surprise to him and his learned friends, after some of the ablest cross-examinations that he had ever seen applied to any witness, and such as must have shaken their case to pieces, if it had been a false defence that had been set up: it could not but be matter of surprise after this, that only one witness had been called to the bar to contradict any part of the defence. The fact to which that one witness had been called he was now about to notice. Lieutenant Hownam, who had been several years in her Majesty's house; who had seen Bergami originally in the station of a courier, and afterwards promoted in her Majesty's service, and at last having a chair at the table of his royal mistress in consequence of the rank to which he had been promoted, this gentleman swore that he had never seen any impropriety of conduct between those two persons. His evidence bore every mark of candour and truth, for he never once strained his memory in such a

Dr.

manner as to be betrayed into a mistake. But he is asked if he ever recollected, while walking the quarter-deck with a captain, to have said any thing about going on his kness before her Royal Highness, and entreating her, with tears in his eyes, not to take Bergami to her table? And mark his answer—"I do not recollect it, and therefore I do not believe it ever took place at all." Their lordships knew that matters of belief were not evidence unless it could be proved that the absence of belief was impossible; but the counsel for her Majesty had not taken that objection, because they wished the house to know all that these two honorable men had to say. Their lordships would bear in mind that no preparation had been made for Bergami's dining at the table of her Royal Highness: that arrangement was made at an inn where there was no great accommodation. It was there where the courier was found dining at the table of his mistress, when she was snatching her dinner without ceremony. Now it was quite impossible, under such circumstances that Lieut. Hownam, a young man, looking forward to promotion in the navy through her Majesty's influence, should have taken such a freedom: it was impossible for any man to suppose him guilty of such indiscretion.. He had no doubt, however, that Captain Briggs meant to speak the truth, though, for the reason he had assigned, what he had stated could not be true. He would not say that at the time this conversation was alleged to have taken place, Mr. Hownam saw no more impropriety in Bergami's dining at her Majesty's table than he now thought there was in that circumstance: but it was possible that, as Mr. Craven had thought on the subject of her walking with Bergami, he might have been of opinion that Bergami's dining at the same table, though not improper, was yet imprudent, and that it would have been better not to have made that arrangement. With this impression on his mind, it was not unlikely that he might have said to Capt. Briggs, "If I could have prevented it, I would have gone on my knees, and, with tears in my eyes, I would have entreated her Royal Highness." That was, in his opinion, the only likely solution of the discrepance in the evidence of the two gentlemen; for he was convinced that they were both honorable men, and, therefore, he would not say a word to impeach the one for the purpose of defending the other. This circumstance and that of Lieutenant Flynn's saying that his name was signed to a paper which he had not signed, were the only things in the whole mass of the evidence for the defence that required any apology. There was nothing else, either in the facts stated by the witnesses, or in their mode of stating their evidence, in the case which had been set up by them, that called for apology or explanation. He called on their lordships then to consider what was the defence set up for her Majesty. When he looked at the substantive case which had been proved on her behalf, he was bold to say that there was an end to this bill, if there was either common sense or common justice in England. The very circumstance that Lady Charlotte Lindsay had continued in the service of the Princess from Naples to Genoa, and from Genoa till the year 1817, was in itself an acquittal in her own mind of her royal mistress from the calumnies circulated against her. A long list had been ostentatiously given of about a dozen persons, from Mr. St. Leger down to Mr. Wm. Burrell, who had withdrawn them-

selves from her Majesty's service, because there was something improper in her demeanour. If so, was such an opportunity ever before afforded of establishing that impropriety by testimony of the most decided nature, if, indeed, any impropriety had really existed. It was not to be believed, that if it were really and *bona fide* thought, at that period, that her Majesty had misconducted herself in the manner described, she would not have received some remonstrance from home—that she would not have been warned, that express charges had been made which ought to be refuted, in order to prove that she did not degrade herself by frequenting low company, and indulging in infamous habits. Captain Briggs and Captain Pechell must have heard these reports; and Lieutenant Flynn might have been resorted to on the subject, if necessary. Nothing of the kind had been done; and not one of these dozen persons had been called to establish a single fact which could be the ground of the remotest suspicion. It was difficult to imagine how any human being could have the cruelty to allow this accusation to sleep for six years. Had it been brought forward soon after the transactions occurred, many circumstances, now impossible to be explained, might have admitted of an easy and a natural explanation. Rumours and reports had been allowed to ripen into the most malignant charges, and it was easy to be imagined that any circumstances in the sudden elevation of Bergami would have given plausibility to the statements of the blood-hounds of Milan with whom the Queen had had to deal in the neighbourhood of Milan. If there were a fault, it was a fault of indiscretion, not of impropriety, and it was only indiscreet, because Mr. Craven had warned her Royal Highness of the spies by which she was surrounded, because Lieutenant Hownam had probably made a similar remonstrance, and because she had had the experience of 1806, and the knowledge of Baron Ompteda. On these grounds only he would allow it to be indiscreet, because, if she was innocent, he was convinced, in every other point of view, her conduct had been most satisfactorily explained. [illegible]

[illegible]

priety, must have been withheld. Lord Landaff, too, had not been called upon by the supporters of the bill; because his lordship, a well as Mr. Craven and Sir Wm. Gell, were well acquainted with the habits of the Princess, and must have known them *to be impure.* They must have looked upon Dr. Holland as *a person whose evidence would also be most injurious: but, even if it were so, the counsel for the bill, in calling them in chief, would at least have had an opportunity of drawing out facts by the easy and ordinary process of examination, without resorting to a cross-examination, which they so well understood, and of which, in the course of this inquiry, they had given such striking examples. Was he to be told, that such witnesses as those he had enumerated were immaterial, and proved nothing against the main facts of the case? He asserted, on the contrary, that they gave those facts a most decisive negative, and showed the utter impossibility of an adulterous intercourse. From first to last there had been no attempt to disguise, no attempt to conceal; the promotion of Bergami was attended with circumstances naturally to account for it, and there was nothing in his manners to mark that improper assumption of privilege which an illicit amour would have entitled him to claim. When the bill was founded on the supposition of the low, degraded, and menial capacity of the individual so promoted, it would have been but fair to inquire under what circumstances he was received into the service of the Princess; under what circumstances she chose him for her senior chamberlain; and whether she could have raised a man who would have filled the office with more ability, discretion, and propriety?* Perhaps he ought not to go through with particularity all the evidences called in exculpation, although that might be considered his peculiar duty. Otherwise, he should refer the house to the testimony of William Carrington and John Whitcombe (the servants of Sir Wm. Gell and Mr. Craven), who proved that the whole story of the illicit connexion at Naples was the fabrication of De Mont. In the same way he would advert to all the subsequent witnesses—to Sicard, to Dr. Holland, to Mr. Mills, and to every person that had been produced in succession. *They had disproved the case on so many points as to deprive it of every vestige of credit:* they had contradicted the testimony of witnesses, who, indeed, already stood self-contradicted and self-condemned. The counsel for her Majesty had done more than they would have been called upon to do in any court of justice, when they condescended to give an answer to such animals as had been placed at the bar on the other side. Every opportunity of contradiction had been successfully seized; and on every single point, where it was possible to shew falsehood, that falsehood had been distinctly exposed. It was impossible that the house could give ear to any such insinuation as that those who were discredited in every particular, where it was possible to discredit them, were entitled to belief *as to* facts which rested on the knowledge or invention of themselves *alone.* It was enough to mention the names of Sinigaglia, Scharnitz, and Carlsruhe, to bring to mind the atrocious attempts at subornation, which

would convert the most innocent acts into the most disgusting exhibitions. He was quite aware that it would be expected of him, that he should say something on the subject of the witnesses they (the Queen's counsel) had not called; and here, as in every part of the case, he begged leave to contrast, in principle and circumstances, the situation of the accuser and the accused. Every prosecutor who pretended to come forward in behalf of public justice, was bound by the office he had undertaken to lay before the jury all the evidence that could bear upon the facts. What, then, was to be thought of a public prosecutor, who was contented with setting up a *prima facie* case of charge against the first subject in the realm, at the same time knowing, or having the means of knowing, that that *prima facie* case was capable of being destroyed by the clearest evidence? What was to be said of that prosecutor if he declined to make the necessary inquiries, or perhaps kept the evidence in his pocket, leaving a defendant to take his chance whether he could not by other means establish his innocence. He (Mr Denman) knew not with what face the other side could call upon them for additional witnesses, when the prosecutors had been so abstemious. At least, this was new in the history of English justice it was quite new, that a case of belief and suspicion, extorted on cross examination, *should be tortured into the inference of* guilt, when that belief and suspicion were capable of being removed in the first instance. Why had not the charges against the Queen been brought to the test of complete investigation, if the prosecutor intended honestly to perform his duty? He entreated the house to look at the effect of this proceeding in the present case. The Queen was compelled to take her chance in every endeavour to refute the accusations, the substance of which had been for years collecting: she must take her chance as to the frailty of memory, after the lapse of so long a period, as to the weakness of the nerves of witnesses, for the first time brought before an assembly like the present; as to the delusion of memory, and the faintness of the impression of passing events, and as to the petty triumphs produced on every occasion where a witness might make an accidental slip, and thus cast a momentary shade over the veracity of his statement. Her Majesty, however, had gone much further than this, she had shown, not only that the witnesses, taken as individuals, had not spoken the truth, but that such practices had been employed for collecting the evidence, such bribes had been offered, and such *disgraceful* means resorted to, as perhaps were never before *disclosed* in the history of English justice. The artifice of Dr. Cook had not been *discovered* till many years afterwards; nor was it known how much the value of the evidence he had obtained was diminished by the fact that he had purchased them. What was to be thought of these *discarded servants*, these *domestic traitors*, who voluntarily offered themselves as witnesses against the life and character of their benefactress, and who, for so few guineas, appeared against her to destroy that reputation on which they had previously passed the highest encomiums? "There is one thing more," said Mr. Denman

on which it is *impossible for me not to* comment. We have been told that the conduct *of* her Majesty furnishes an *inference in* support of the charges *in the preamble*. I am ready that the defence shall *stand or fall* by that test; and I ask, whether it is possible for a person so degraded, in the first place, to have turned away all her servants, at the moment *when they* had possessed themselves of the most important and damning secrets, and afterwards to have *proceeded* in that low attachment, that disgusting debauchery, *with an* individual who had been elevated for the *most criminal purposes, in* defiance of all the principles with which human nature was ever *actuated? It is one of* the consequences of such an infatuation that destroys all worldly *considerations*—

"Not Cæsar's empress would I *deign to prove*."

And, if so, would her Majesty *not* have been *willing to hide* her head in any part of the Continent, in the enjoyment of that *luxurious profusion, in* which she had been tempted, by offers from this country, to continue even with great splendour? Would she not have been most anxious to retire to Pesaro, or to the Lake of Como, and there to expend upon her favourite the vast income to be appropriated to her use? Is it possible to believe, that, after *the loss of all that makes life dear and* character valuable—after vice and profligacy had *become* her *daily* habits,—that her Majesty would have sprung *to this country, irritated* and stung by nothing but *this detestable accusation? Look, my lords, at the conduct of* her nameless and unseen prosecutor, and then at the conduct of my illustrious client. For a series of years she has been *the object of* unceasing persecution. The death of her only daughter was immediately followed by this frightful conspiracy. The decease of her last remaining protector, whose life, while it was prolonged, was *still a protection, though his affection* could no longer be displayed, succeeded not long afterwards. It was announced to her, not in the *language of kind* respect, or even *of* decent condolence, but *in* a shape which forestalled the decision *of* parliament upon this great question. Cardinal Gonsalvi was the instrument *of stripping her of her rank, and of depriving her of those* honours *to which her station* in society laid claim. *Her title as Princess* Caroline of England was stated in the face of her passport; and the first transaction of this new reign, in which even traitors were spared and *felons* pardoned by a lavish exertion of the royal prerogative of mercy, was the most illegal and unchristian act yet recorded in the annals of the British monarchy. To the Queen it was no new reign of peace and amnesty, but the commencement of a prosecution in which *malignity* and falsehood were united for her *destruction*. Her name was excluded from *the Liturgy*; *but*, when it was forbidden that the prayers of the people should be offered up for her, their hearts made a full *compensation* for that *odious exercise of unjust* authority. Under such circumstances, what shall we say to the bill before the house? As a *Divorce Bill it* exists no more; the mere fact that the crime *imputed* was committed six years ago, dismisses it with contempt; and the fact of the letter of license

written so recently after the marriage ceremony was performed, is of itself an answer to any claim on the part of the husband. But it is a bill of pains and penalties—a bill of degradation, dethronement, and disgrace; and if your lordships shall determine to proceed against this persecuted and injured woman, I can only say that it is your pleasure to do so. But sure I am that your honour, as peers—your justice, as judges—and your feelings, as men—will compel you to take part with the oppressed, instead of giving the victory to the oppressor! I was about to observe that there were certain individuals, who had not been called as witnesses—simply for this reason—that our case is already proved, and that we do not think it decent, or consistent with the principles of justice, to overload the minutes, already so unwieldy, by admitting that we are bound to go a single step further. We have often heard of challenges and defiances; we have been told that Bergami might be called to the bar, to state that the whole charge was a fiction; but this is one of the unparalleled circumstances of this extraordinary case. From the beginning of the world no instance is to be found where an individual charged with adultery has been called to disprove it. Yet, for the first time, we are to be compelled to put him to his oath! The answer is in a word—there is either a case against us, or there is no case: if there is no case, there is no occasion for us to call a witness; and if there be a case, no man would believe the supposed adulterer, when he was put forward to deny the fact. On this subject the nicest casuists might perhaps dispute, with a prospect of success, on either side of the proposition; but I firmly believe that the feelings of mankind would justly triumph over the strictness of morality, and that a witness so situated would be held more excusable, to deny upon his oath so dear a confidence, than to betray the partner of his guilt. Even perjury would be thought a venial crime, compared with the exposure of the victim of his adultery. Surely, for the sake of dragging forward such a witness, the principles of our nature, and of the heart of man, are not to be repealed even upon this occasion, to which so many principles have been made the sacrifice. Recollect, my lords, that this is a criminal prosecution of the highest kind, and requiring the clearest and the strongest evidence—evidence collected and manufactured during six years of unceasing vigilance and unremitting persecution. We have heard of the distinction between a Queen of grace and favour, and a Queen of right and law, but her Majesty has been taught, by bitter experience, the wider difference between a husband of affection and guardianship, and a husband of jealousy and persecution! After all this, [illegible] and [illegible], have been [illegible] on his part, he still thinks it possible to exact, from the [illegible] and injured object before you, the most scrupulous attention, not only to the substantial virtues of her sex, but to the most [illegible] of feminine decorum. Let me ask you, [illegible] you in passing such a bill? [illegible] lordships know that I am not [illegible] that I may not be supposed to waive any [illegible]

not one page of evidence in this whole volume to warrant you in giving it your sanction. There is not a single piece of evidence proceeding from any respectable quarter, which has not been answered or explained; and the inventors of the most minute fabrications have been followed with success through many of their windings and minute ramifications. I know that rumours are abroad, of the most vague, but at the same time, of the most injurious character; I have heard them, even at the very moment we were defending her Majesty against charges, which, compared with the rumours, are clear, comprehensible, and tangible. We have heard, and hear daily, with alarm, that there are persons, and these not of the lowest condition, and not confined to individuals connected with the public press—not even excluded from your august assembly, who are industriously circulating the most odious and atrocious calumnies against her Majesty. Can this fact be? and yet can we live in the world, in these times, and not know it to be a fact? We know, that if a juryman, upon such an occasion, should be found to possess any knowledge on the subject of inquiry, we should have a right to call him to the bar as a witness. "Come forward," we might say, "and let us confront you with our evidence: let us see whether no explanation can be given of the fact you assert, and no refutation effectually applied." But to any man who could even be suspected of so base a practice as whispering calumnies to judges, distilling leporous venom into the ears of jurors, the Queen might well exclaim "Come forth, thou slanderer; and let me see thy face! If thou wouldst equal the respectability even of an Italian witness, come forth, and depose in open court! As thou art, thou art worse than an Italian assassin! because, while I am boldly and manfully meeting my accusers, thou art planting a dagger unseen in my bosom, and converting thy poisoned stiletto into the semblance of the sword of justice!" I would fain say, my Lords, that it is utterly impossible that this can be true; but I cannot say it, because the fact stares me in the face: I read it even in the public papers; and had I not known of its existence in the dignity of human nature, I would have held it impossible that any one, with the heart of a man, or with the honour of a peer, should so debase his heart and degrade his honour! I would charge him as a judge—I would impeach him as a judge: and, if it were possible for the blood Royal of England to descend to a course so disgraceful, I should fearlessly assert, that it was far more just that such conduct should deprive him of his right of succession, than that all the facts alleged against her Majesty, even if true to the last letter of the charge, should warrant your lordships in passing this bill of degradation and divorce. I well know that there are persons to whom, under the circumstances I think it right to allude, who have had an opportunity of reading a vast variety of depositions against the conduct of the Queen. To those noble individuals I may distinctly say, "You, at all events, must vote for an acquittal. I know nothing of the facts brought before your secret committee, but I know that it is impossible for any rational or honourable man to have presented

such a case as has been proved at the bar, as a ground for degrading and dethroning the Majesty of England." The facts proved before that committee must have been of a far more grave, more disgusting, and more infamous description; and whether they have been proved, or whether the witnesses, publicly examined, have not dared to swear up to their original depositions, I am confident that the committee never meant it to go forth, that a case of key-holes and chamber-pots, but of notorious and undeniable guilt, ought to be the ground work of this public prosecution. Then I ask your lordships, has that case been made out? Is there any man, who can read the evidence even against the Queen without a perfect conviction that she has been most malignantly traduced? What the boatmen on the Lake of Como may have said to those who were gaping wide for slander, I know not; what reports may have been circulated by her enemies, I know not, what the result would have been, had the facts stated been established, I know not, but I do know, that they have not been proved—that they are false, calumnious, and detestable. Nay, I say one word more to your lordships—I know that a supposition prevails, that a spirit has gone abroad dangerous to the constitution and government. I have heard it said, that a spirit of mischief was actively at work, among the *friends* of her Majesty: but the same person who uttered that memorable expression, in a few weeks was obliged to admit that it was false, because the truth could not be concealed, that the whole of the generous population of England had enlisted themselves with ardor on the side of the innocent and the injured. At the same time, it is possible that both may be true, the sound and middling classes of society may feel acutely for the situation of her Majesty; and there may be, also, some apostles of mischief lurking in a corner, meditating a blow at the constitution, and ready to avail themselves of any opportunity for open violence. If that be so, the generous sympathy to which I have alluded would be aggravated by a verdict of guilty; while those mischievous and disaffected men would deprecate nothing half so much as to see your lordships in the face of the power of the Crown, venturing to pronounce a verdict of acquittal for the defendant so prosecuted. I trust your lordships will not allow the idea of having *fear* imputed to you to divert you from the straight course of your duty; it would be the worst of injustice to the accused, and the worst of cowardice in yourselves. I say, therefore, if your own minds are satisfied that all that has been proved has been scattered "like dew-drops from the lion's mane," you will never hold yourselves justified in pronouncing a verdict contrary to the evidence, because your conduct may be imputed to the dread of a mob; or, to use the jargon of the day which I detest, the apprehension of a *radical attack*. You have but one course to pursue, and that course is straight *forward*, it is to acquit her Majesty at once of those odious charges. *We may truly* say, that as there never was such a trial, so there never *existed such* means of accusation. Before I conclude, I must be permitted to say, that during the whole of this proceeding (though personally I have every reason to thank the house for its kindness and *indulgence*, [illegible]
[illegible].

not one page of evidence in this whole volume to warrant you in giving it your sanction. There is not a single piece of evidence proceeding from any *respectable* quarter, which has not been answered or explained; and the inventors of the most minute fabrications have been followed with success through many of their windings and minute ramifications. I know that rumours are abroad, of the most vague, but at the same time, of the most injurious character; I have heard them, even at the very moment we were defending her Majesty against charges, which, compared with the rumours, are clear, comprehensible, and tangible. We have heard, and hear daily, with alarm, that there are persons, and these not of the lowest condition, and not confined to individuals connected with the public press—not even excluded from your august assembly, who are industriously circulating the most odious and atrocious calumnies against her Majesty. Can this fact be? and yet can we live in the world, in these times, and not know it to be a fact? We know, that if a juryman, upon such an occasion, should be found to possess any knowledge on the subject of inquiry, we should have a right to call him to the bar as a witness. "Come forward," we might say, "and let us confront you with our evidence: let us see whether no explanation can be given of the fact you assert, and no refutation effectually applied." But to any man who could even be suspected of so base a practice as whispering calumnies to judges, distilling leporous venom into the ears of jurors, the Queen might well exclaim "Come forth, thou slanderer; and let me see thy face! If thou wouldst equal the respectability even of an Italian witness, come forth, and depose in open court! As thou art, thou art worse than an Italian assassin! because, while I am boldly and manfully meeting my accusers, thou art planting a dagger unseen in my bosom, and converting thy poisoned stiletto into the semblance of the sword of justice!" I would fain say, my Lords, that it is utterly impossible that this can be true; but I cannot say it, because the fact stares me in the face: I read it even in the public papers; and had I not known of its existence in the dignity of human nature, I would have held it impossible that any one, with the heart of a man, or with the honour of a peer, should so debase his heart and degrade his honour! I would charge him as a judge—I would impeach him as a judge: and, if it were possible for the blood Royal of England to descend to a course so disgraceful, I should fearlessly assert, that it was far more just that such conduct should deprive him of his right of succession, than that all the facts alleged against her Majesty, even if true to the last letter of the charge, should warrant your lordships in passing this bill of degradation and divorce. I well know that there are persons to whom, under the circumstances I think it right to allude, who have had an opportunity of reading a vast variety of depositions against the conduct of the Queen. To those noble individuals I may distinctly say, "You, at all events, must vote for an acquittal. I know nothing of the facts brought before your secret committee, but I know that it is impossible for any rational or honourable man to have presented

SPEECH,

&c. &c.

Dr. Lushington assured their lordships, that had he been left to the exercise of his own discretion, or if he had thought himself at liberty to follow the dictates of his own mind, he would not then have had to crave their indulgence in addressing them; but, on the present occasion, acting in the discharge of his duty to his illustrious client, he was bound to be guided by the judgment of his learned colleagues, who were of opinion that the bearings and details of this extraordinary case were so extensive and important, that even, after all that had been so ably stated by themselves, some little addition might be advantageously made by him. Their lordships must be aware that the task he had now to execute was one of a very difficult nature. He had to call their lordships' attention to the subject, when that attention might be considered in some degree exhausted: and what rendered his duty the more painful and difficult was, that he came to the performance of it with ability inferior to that which they had already heard exercised on the subject. But, amidst the difficulties with which he had to contend, he had one consolation—the consolation that, in the judgment of his learned friends, this case stood upon so firm a foundation, that even the indiscretion of an unskilful advocate could not injure it. To this he had to add the additional consolation, arising from his own firm conviction, that the more this subject was discussed, the more satisfied would their lordships be of the complete innocence of his client. He should endeavour to avoid repetition wherever that could be done. He would as little as possible touch on the topics so ably discussed by his learned friends; but their lordships must perceive that, were he gifted with the greatest powers of eloquence, it would be im-

possible for him to make himself intelligible, unless he sometimes spoke with reference to points which had already been discussed. It was his duty, in the first instance, to make one or two observations on the charge as a case between husband and wife; and here he must observe, that though, through the whole of his professional life, he had been conversant with cases of adultery, he had to declare that this was the most extraordinary he had ever read or heard of. Indeed, such were the circumstances of this case that he believed, he might safely say, not only that it was unprecedented, but that there was not a shadow of semblance to be found in all the records of the courts in which such cases were tried. It was not that it was a case of novelty with respect to the rank of the individual; it was not its want of analogy with other proceedings; it was not that the head of the government was the accuser; it was not that the government formed the very party who prosecuted; it was not all these things, uncommon and extraordinary as they were, which so particularly marked this prosecution; for these were circumstances which might have equally occurred in some other cases:—but that which first, and above all, distinguished the present case, was the age of the party accused. He was bold to say, without the fear of contradiction, that no precedent could be found in modern times where a husband sought a divorce by accusing of adultery a wife of 50 years of age. The absence of any case similar in this respect gave to the present a degree of improbability which, he confessed, appeared to him to deserve their lordships' serious consideration. This observation did not merely apply to wives separated from their husbands, and who had not lived together for many years; but, whether living together or separate, there was no instance on record of a prosecution for divorce by a husband against a wife who had attained the age, he would not say of 50, but even of 45. But who ever imagined a case like the present? In addition to the circumstance of the age of the accused, there was here that of a husband who had been for 24 years separated from his wife; separated not by any desire on her part, but by his own caprice, by his own act and choice—not in consequence of any misconduct of that wife; for not even a breath of suspicion was at that time whispered against her; but by his pursuit of some wayward indulgence—some capricious fancy. In this way had been broken, for self-gratification, those bonds which the laws of God and man had formed. How, then, did the case stand? Were his Majesty a simple subject, was there a man in the world who would say that he was entitled to any consideration whatever in an application for divorce—that it was possible he could have any injury founded on such a complaint, for which he could claim redress? As a husband, then, the King had no right to seek redress. But then it was said, that this application was not in the name of the King, and that the law in the case of a subject was not applicable to the Sovereign. Let, however, no one presume to say that he is emancipated from obedience to the laws of God; for that assertion, of whomsoever it be made, was founded in untruth and falsehood. It was also said that rank and station in the wife required a more rigid observance of duties than in the husband; but was there any duty which was not reciprocal? Was it not so with respect to matrimonial rights? And was it to be

said that there was one law for woman and another for man? or did superiority of rank make the engagement taken at the altar of God less binding? Was the private individual to be told that there was one divine law for him, and another for the sceptred monarch? What was the plighted troth of the husband—what the promise made at the altar? To love and to comfort. But how was that promise observed? Where was the love?—where the comfort? Where should he look for the one or the other? The comfort! what traces were there of it? If he went back to 1806, was it to be found there? or must he look for it in 1813, at that period of cruel interference when the intercourse between the mother and the daughter was prohibited? Was it to be sought for at the period when the mother was exiled to a foreign land? No: there it did not exist; for wherever she went the spirit of persecution followed her. It was inconceivable that a wife thus deserted, thus persecuted, should now be told that she has been unmindful of her duty, whilst the husband, who was pledged to protect her, had allowed her to pass through the world without a friend to guard her honour. He regretted the discussion of these topics. He knew well that, when the acts of kings were brought before the public, there were individuals who dwelt with triumphant satisfaction on the exposure. No man could feel the difficulty of his situation more than he did, when called upon, in the performance of a solemn duty, to dwell upon such painful considerations; but he owed it to himself and to his client to speak out boldly. There were individuals without number, always anxious to see the failings of kings, that they might turn them into derision. He would, therefore, say as little as possible upon this ungrateful subject. It was almost needless to follow it through all its bearings; but if he were in one of those courts where cases of this kind are usually decided, what should he say to the husband who, insensible of his own honour, allows his wife, for a series of years, to live unprotected, and then offers her 50,000l. a-year to live abroad, knowing, as he said, that she is in a course of adultery, but without giving one direction that the adulterous intercourse should cease before she enjoys the large income proffered to her? What would he say to an individual so acting towards his wife; who said to [illegible] ample means for living in splendour with your paramour?" He was happy that he was not under the necessity of introducing another topic. He was glad to state that in this case he was not called upon, by any consideration of duty towards his illustrious client, to say one word by way of recrimination; he thanked God, and the wisdom of his learned colleagues, who had so advised her Majesty, that the case upon which they built their hopes of acquittal was one of perfect innocence, and that, by avoiding recrimination, he should save the house and the country from all its consequences. Their lordships could not, unless fully prepared to violate the laws of God and man, declare against his client. That venerable bench of bishops, who formed part of the judges, could not, without violating the holy tenets of that Gospel which they preached and inculcated, pronounce against the wife of their Sovereign.

The laws of God and of the country were upon her side, and he was sure that it was not there that they would be violated. Before he entered upon the consideration of the evidence, he trusted that their lordships would suffer him to say a word or two on the principles by which they were bound to be guided. It was not that he sought an acquittal on a point of law; it was not that his cause required technicalities, that he wished to draw their lordships' attention to this topic, but to prevent those who might not be conversant with the law of divorce from being misled by the statements which had been made on the other side. Their lordships would recollect that the Solicitor-General, in his summing up, had adverted to the case of "Loveden v. Loveden," which was tried before Sir W. Scott, in the Consistory Court, in 1809—that enlightened judge, whose matchless talents no man was more sensible of than himself, and to whose authority no one was more disposed to bow. But he was surprised that his learned friend, the Solicitor-General, should have quoted only an insulated passage of that eminent person's opinion, when the principle on which the case was decided was by no means applicable to the present proceeding, and when the words conveyed no idea of the decision: for no man, far less that learned judge, could have meant to represent that adultery was a crime of the proof of which no certainty was to be obtained. But what was the judgment quoted? it was this:—Sir W. Scott said, "It is not necessary to prove the direct fact of adultery; for, if that were the case, there would be no sufficient protection for private life. The offence cannot be proved by artificial inference, but by general acts and circumstances, which were of themselves of so suspicious and positive a character that adultery had been committed, that no just and honest man could doubt." The case had been most ably argued, and there were acts of criminality proved by witnesses above all idea of suspicion, and there were also the intercepted letters of Mrs. Loveden—letters which, as Sir Wm. Scott observed, a woman the inmate of a brothel would have been ashamed to write. These letters, and other circumstances proved in evidence, carried with them the most complete conviction that the crime of adultery had taken place. But while he was talking of legal grounds of evidence, their lordships would recollect that, what in this case had been evidence in the Ecclesiastical Court, had not been considered such in the civil action for damages; for in the court below a verdict was given for the plaintiff. This, therefore, was a most unfortunate case for the other side. The evidence, indeed, was still stronger in the court of law than he had yet stated it; for it was then proved that Mr. Parker, against whom the action was brought, had passed a night in the bedroom of Mrs. Loveden. He must now observe to their lordships, that he thought it not a little extraordinary that his learned friend, the Solicitor-General, should have selected this case as affording any support to his own. But there was another case to which he could refer as an answer to that offered on the other side—he meant the case of "Mortimer against Mortimer," which was decided July 12, 1816. In this case the proofs were so strong that the counsel for the wife were about throwing up their briefs, and declining to argue it. The learned judge, who never forgot that legal justice ought to be administered, called upon the

counsel to argue the case. It fell to his (Dr. Lushington's) lot to argue it, and ultimately the judge pronounced that the husband had failed in proof of the adultery having been committed, and he used this important expression:—"I may have a moral conviction of her guilt: but I have no judicial proof." Let it not be supposed that he was asking for a decision in favour of his client on account of a deficiency of proof, and against their lordships' moral conviction. By no means. He called for acquittal because there was not a particle of proof in the present case which any honest man, any man of common intelligence, would not consider as destitute of credibility, and unworthy of his regard. He had adverted to those cases in order that their lordships might not run away with the erroneous idea that in any other court the crime of adultery was allowed to be proved by any other than what was usually considered legal evidence. If their lordships would allow him, he would state in few words what his case was. Here were circumstances which, when coupled with opportunity, were said to lead to a demonstration of the guilt of the parties. That opportunity alone should be evidence of guilt against one was a proposition that he was sure none of their lordships would allow for a moment. He admitted that if acts of indecent familiarity were seen—if the same parties were observed seeking opportunities of criminal intercourse—then it would not be necessary to go further; but the circumstances ought to be before them with the same degree of certainty as the opportunities. It was not necessary to enter into a long argument to show the character of the witnesses. He would contend that De Mont, Majochi, Sacchi, and Rastelli, were all perjured. In a common case, after proving the perjury of the principal witnesses, if the judge did not stop him and say it was unnecessary to proceed further, he would indignantly throw up his brief; for no respectable judge would suffer a case to stand on minor and weaker evidence when its strong and chief support was destroyed. What! when he had shown that one, two, three, four and five witnesses had been perjured, was he to be told that he must go on to prove that six, seven, eight, were also perjured, or a verdict of guilty would be found? Where would be the safety of any man were this the practice in courts of law? Could their lordships expect it to be done? By the wisdom and goodness of Providence men were enabled to detect conspiracies. They were often able to bring to light a foul scheme of conspiracy, by proving the falsehood and rottenness of a certain part of it. But that gracious Power, whose ways are wisdom, had not thought it right to give the means of ascertaining truth beyond the bounds of necessity. Men were only required to have that knowledge which came within the limits of our circumscribed faculties. But on whom did justice impose the burden of proof? Even those of their lordships least conversant in law must know that the duty of proving a proposition lay on him who propounded it—that the plaintiff had to make out his action satisfactorily, or be defeated. And their lordships would bear in remembrance, that he who sought to take away the life and character of any individual, was bound, by every law of nature and man, to do so on evidence not only unsuspected, but unsuspicious. He had no right to take upon himself the odious office of an accuser—to drag his fellow-creature be-

fore the bar of the world, and say—"Thus far will I go, and no farther." He was not to say, "I have brought you into court, and, though I cannot prove my charges, you shall not leave the court without a suspicion on your character." His failure of proof was the justification of the accused. Since the day in which the folly and superstition of their ancestors first led their victims through fiery ordeals and over burning plough-shares, no man had ever been called into a court of justice, and been compelled to prove his innocence in the first instance. He would now come to the consideration of those facts which his learned friends on the other side had boldly stated that they had proved, which they said were irreconcileable with innocence, and were the certain forerunners of guilt and infamy. The first trait was the conduct of the Queen towards Bergami. The Attorney-General, commenting with great ingenuity on the facts of the case, had adverted to the general principles which govern human life, and had said, that if they were to be depended upon, it was clear that the Queen had so conducted herself towards Bergami that guilt must necessarily have occurred between them. "I will show you," said the Attorney-General, "that she was so much under the control, power, and influence of this domineering paramour, that his will was her way, and that his pleasure was her rule; and if, (continued he) I prove these facts, it is clear they can have only arisen from the last favours having been granted to her paramour." The natural effect of such intercourse, he added, was to alter the respect that ought to subsist between the parties, and to destroy the decency and decorum which ought always to be observed between a person of royal rank and one in the capacity of a menial servant. When once a Princess had thus debased herself, it occasioned in the low individual, the object of her passion, a degree of assumption and freedom to which otherwise he would have made no pretensions. This was the case here, said the Attorney-General: Bergami became more haughty: he took upon himself an air of greater importance, which grew more and more as the intercourse proceeded. Now he (Dr. Lushington) would undertake to prove, that no such freedom, no such familiarity, no such importance had ever taken place; that there had been no want of respect, that there had been no want of regard to all the decorums of life in either or both of these two parties. Their lordships would feel that he would not be properly discharging his duty, if, after having made such a bold assertion, he did not point out to them the evidence by which that assertion was most indisputably proved. First, he would refer their lordships to the adverse evidence, and would call upon them to consider how far it was deserving of any credit. The first witness called was Majochi, and after him came several others equally respectable. What did Majochi say? That there was rather a familiarity. What could their lordships think when they found that this man, the chosen witness of the prosecution, who had been nurtured to betray his mistress, bore them out in their assertion no further than this? Was there, asked the Solicitor-General, an apparent distance kept up between the Princess and Bergami, or was there an apparent intimacy and friendship between them?—Rather, replied Majochi, a familiarity. Their lordships would no doubt observe the peculiar manner in which the question was put

—it was put with his learned friend's (the Solicitor-General's) usual ingenuity, who during the whole of this case had formed his questions in such a manner as led the witness easily to collect on which side his answer was wanted. At p. 257, De Mont, in reply to a question put to her, said, that from the moment they reached Naples, her Royal Highness and Bergami became very familiar one towards the other; but, at p. 263, being asked whether she had made any observation as to their conduct during their residence at Milan and the Villa Villani, she had replied, "No, I made no observations, only that they were very free one towards the other." He thought, however, from what he had both heard and seen of that witness, that she was as likely to make observations as any person whom he ever knew: but all that the counsel for the prosecution could get from her was, that they were very free one to the other. Now, with the exception of the testimony of the two masons, who, it could not be denied, were most admirable judges of decorum and propriety, and who had said that her Royal Highness and Bergami walked arm in arm like husband and wife, they would not find any other evidence called by the prosecution to support this charge of familiarity. He would next call upon their lordships to consider the evidence which had been given to rebut this charge, and he would now present to them twelve most respectable witnesses, who could speak not only to the time when it was charged that this intimacy was at its height, but who had also been about her Majesty from the time she arrived at Naples till the time she had left Rome. What was their testimony? He would not dishonour it by comparing it with that which had been given on the other side. At page 507, the Earl of Guilford deposed, that between her Royal Highness and Bergami he had never seen any improper familiarities, and at page 508, that he had never perceived her Royal Highness bestow any particular attentions upon Bergami. At page 509, being asked about the deportment of Bergami to her Royal Highness, he said that there was nothing particular in it—that it was very respectful; and afterwards added, that the manners of Bergami were perfectly unobtrusive, and not at all forward. At page 511, Lord Glenbervie stated, that her Royal Highness's behaviour to Bergami was that of any mistress of rank to her servant waiting behind her—that his behaviour towards her was becoming his situation—and that, if there had been any thing disrespectful in it, which there was not, he must have observed it. The next witness examined upon that point was Lady Charlotte Lindsay, whose testimony had been given in the most fair and honourable manner, but whose testimony had not been most fairly treated by his learned friends on the other side. At page 514, her ladyship, who had frequent opportunities of seeing what passed between her Royal Highness and Bergami, deposed that Bergami conducted himself in the common way that a person in his situation would naturally conduct himself towards her Royal Highness. That circumstance well deserved their lordships' most serious attention, inasmuch as Lady Charlotte Lindsay was in her Royal Highness's suite in March and April, 1815, when it is alleged that this criminal intercourse was at its full height. Was her ladyship so destitute of the ordinary powers of observation, as, if any thing improper had occurred in her Royal Highness's

conduct, to let it pass unnoticed? Or was she so destitute of faith as to say that she had not noticed it, when she actually had done so? Their lordships could not for a moment doubt her credibility; and as to her talent, the house at large were able to judge of that by the ample portion of it which she had shown in her examination at the bar, whilst those who had the honour of her private acquaintance knew well that in talent and ability she soared far above the usual standard of her sex. What, then, did this lady say of her Royal Highness's general treatment of her servants? That she treated them all with great condescension, and that she talked no otherwise to Bergami than she did to Sicard, and various other persons in her family. The Earl of Landaff, at page 529, said, that he never perceived any thing of an improper condition in her Royal Highness's conduct; and, at page 531, declared that there was nothing in it calculated or likely to reflect disgrace upon the country. Mr. Craven, at page 537, affirmed that he had never observed any impropriety of conduct or any degrading familiarity between her Royal Highness and Bergami, and that too, neither at Naples, where Bergami waited behind her chair as a courier, nor subsequently when he dined at the same table with her. At page 559 Sir Wm. Gell gave similar evidence, when a question was put to him, such as had seldom, if ever, been previously put in a court of justice. But of that question he did not intend to complain: for, give him but an honest witness, and any question they chose might be put to him. Give him but a man who cared for the sanction of an oath, and who regarded the estimation in which he was to be held among his fellow-men, and in a case like the present he would say, "Away with all the technicalities of law, away with all the forms usually observed in examination, cross-examination, and re-examination—ask him what questions you like—my client's conduct is pure and honest, is virtuous and honourable, and will bear the most rigid examination to which you can submit it." To return, however, to the question which he had before mentioned—it was as follows:—"Did you ever observe any thing in the behaviour of the Princess of Wales towards Bergami, in her *conduct, manners, conversation*, or *looks*, to induce you to entertain an idea that there was an adulterous intercourse between them?" He called upon their lordships to consider the effect of that question, and of the answer which must have been returned to it, if ever, during the whole course of Sir Wm. Gell's attendance on her Royal Highness at Naples—if ever, during the three or four months which he passed in her society, after he rejoined her—there had escaped from her, in the wantonness of joy and the exuberance of gaiety, one single word, or act, or look, which had clouded his mind with even a transient suspicion? Gracious God! was the Queen of England to be tried, not by facts, but by suspicions, which by possibility might have existed in the minds of those with whom she had lived—by suspicions, too, which arose from circumstances occurring at moments when her whole heart and soul was opened to their view, in all the confidence of unsuspecting innocence? So to be tried, and so to be acquitted, as Sir W. Gell had acquitted her Royal Highness, was unparalleled in history. What, however, was his answer to that most extraordinary question?—"Upon my honour, I never saw the Princess

speak to Bergami but on matters of business, though I was in the house for three months at once with them." He was then asked, "Can you give a more distinct answer to that question?" and he replied, "*I never did.*" And yet his learned friends, after that answer, intended, he believed, to call upon their lordships to come to a conclusion of guilt upon facts, of whose innocent nature he, who had seen them, had never entertained even a shadow of doubt. But he expected to be told that the individuals whose testimony he had just read to them, were individuals of exalted rank and character, and that her Royal Highness was, therefore, on her guard against them. To obviate any difficulty which might arise from that argument, he would introduce to their lordships a witness of another class in society—he meant Mr. Sicard. At page 591, being asked what was the manner of her Royal Highness to her servants generally, he replied, "Uncommon kind, almost to a fault." At page 600, being asked whether he had made any observations on Bergami's manner, he replied that his behaviour always was proper: and at page 603, being asked whether he had ever seen any impropriety or familiarity between her Royal Highness and Bergami, he emphatically answered—"Never, never." Their lordships, he trusted, would ponder upon what this old servant of the Queen had said—that she was "uncommon kind to her servants, almost to a fault." He had for twenty years experienced that kindness. How melancholy, then, must it have been to him to find that that very kindness and benevolence which had endeared her to all who knew her, whether they attended upon her in a menial capacity, or had the higher satisfaction of enjoying her society, was at last charged against her in order to destroy her. She had forgiven the ruffian Credi, though he had conspired, with other traitors, to blast her honour. She had also forgiven others who had evinced the same malignant and diabolical disposition towards her; and, therefore, he trusted that he might be forgiven for saying, that he hailed with pleasure the testimony which Sicard had given with such feeling to her general benevolence. Whilst it was the duty of himself and his learned friends to harass the attention of their lordships with nauseous questions regarding her Majesty's uprisings and down lyings—questions necessary indeed to her defence, but still nauseous—it was still some satisfaction to them to find that she had invariably paid the utmost regard to the feelings of others, and that she was as remarkable for the kindness which she had extended to others, as she was for the reverse of it which she had experienced herself. He next came to the testimony of Dr. Holland, who, when interrogated as to the conduct of Bergami towards her Royal Highness, declared that he had never seen it otherwise than unpresuming and respectful. He would ask the Attorney-General what had become of his opening speech? A freedom and a presumption which, under other circumstances, would not have been shown! Was that the case here? Quite the reverse, as Dr. Holland proved at p. 612. Being afterwards asked, "Have you at any time observed on the part of her Royal Highness any conduct calculated to bring disgrace upon the character of this country?" he replied, "I believe I can answer decidedly not." In p. 620, his language was as follows—"Her Royal Highness's demeanour towards all her servants was extremely familiar. I should say at once that I never ob-

served any difference between her manners to Bergami and her manners to any other of her servants; I may be, perhaps, allowed to add to that, to her principal servants." Now he would ask, whether it was possible that a woman, under the influence of such a passion as had been imputed to her Royal Highness, carried away as her Royal Highness was said to have been by its extreme violence, could have veiled its ardour so much, and at such different times, as not to allow any respectable evidence to be produced regarding it? At p. 623, a witness of the name of Mills was introduced to the notice of their lordships, who had spoken to her conduct on three distinct occasions at which he had had an opportunity of witnessing it. At p. 623, he deposed that he had never seen the smallest impropriety of conduct in her Royal Highness or Bergami. At p. 624 he deposed that he had not seen any difference in the general appearance of her Royal Highness's household between the three periods which he had mentioned. In reply to another question, he declared that he had never seen any thing, in the conduct of her Royal Highness and Bergami towards each other, in the slightest degree derogatory to the honour of the English empire, or likely to wound the moral feelings of the country: and that, independently of her Royal Highness's conduct towards Bergami, he had never in any other respect perceived that her Royal Highness conducted herself either in public or private in any way to which a just exception could be taken. It was likewise clear, from p. 624, that even down to 1820 Bergami treated her Majesty with the utmost respect. That was a point deserving the most serious consideration of their lordships; because, if the decencies of life had been once violated between her Royal Highness and Bergami, if Bergami had ever once treated her Royal Highness with disrespect, he called upon his learned friends on the other side, to show by what process of the human mind, by what analysis of the human character, by what mode of reasoning—if indeed reasoning had ever been employed in the whole of this case—it now happened that respect towards an individual returned after it had once been *destroyed*. Mr. Attorney-General might as well state that a stream of water can flow up to the source from which it sprung, or that any other *impossibility* was capable of proof. The conduct of her Royal Highness towards Bergami, and of Bergami again towards her Royal Highness, was the same at the beginning, middle, and end of their acquaintance. He would now call the attention of their lordships to the evidence of Lieut. Hownam. At page 723, he said, that he had never seen any thing in her Royal Highness's conduct that was improper, indecent, or degrading to her high station: and, at page 727, that he never saw her Royal Highness walk arm in arm with Bergami until he began to dine regularly at her Royal Highness's table. He now came to the testimony of Col. Olivieri, who, at page 911, said that Bergami's conduct was the conduct of a respectful servant; and the time of which he spoke was the year 1818 and 1819. At page 913 he described the conduct and demeanour of her Royal Highness towards the gentlemen of her suite generally to have been affable, but at the same time dignified. He next came to the last witness who had made any depositions on this head—it was Captain Vassali: he was the last of the twelve witnesses whom he had promised to bring

forward; and he deposed that, from the first moment in which he entered the Queen's service to the last, he never saw her commit any action that was disgraceful or improper. He trusted that he might now say that, by the mass of evidence which he had just brought forward, he had completely demonstrated the proposition with which he had set out, viz. that the Queen's conduct was consistent with the relative situation of herself and Bergami, and was destitute of all, even the slightest criminality. The ground which his learned friend, the Attorney-General, had so ingeniously laid for the support of his other charges, was therefore withdrawn from under his feet, and he was, in consequence, left to combat with his (Dr. Lushington's) assertions, without having the power of proving any crime against his illustrious client. The next charge against her Majesty was, that she had parted with all her English attendants. This charge was of the same nature with many others which had been introduced into this bill: individually there was nothing criminal in them; but they had been formed with great skill and ingenuity into a consistent whole, in the hope that, though nobody might be convinced of her Majesty's guilt by any one of them singly, a conviction of it might be established by all of them taken collectively. Now his mode of disposing of this case would be by showing, that, both singly and collectively, the facts charged were unsatisfactory for the establishment of guilt. On the charge which he was now going to discuss, his learned friend, the Attorney-General, had said, "Here was a fact which could leave no doubt of her Majesty's criminality. It was of such a nature as in a few words to speak volumes." His learned friend had put the case thus—"The Queen having formed this intimacy, and, fearful of the infamy and disgrace which it was calculated to bring upon her, began to estrange herself more and more from the natives of England, and by one ingenious contrivance or another displaced all the English who had originally formed her suite, in order that she might indulge her wantonness in secret, and without fear or chance of detection." Now he called upon their lordships to reflect how far this accusation had been proved by the evidence, as it stood at present. One of the first persons who went abroad with her Majesty was Col. St. Leger, who, at page [illegible], proved that he had been obliged to leave her in 1814, on account of his health and family; and that, in the course of the year 1819, he had received a communication from her, in consequence of which he prepared to go and meet her Majesty at Dover. Next came Lady Charlotte Lindsay, who, at p. 513, had informed their lordships that she had left the Queen at Leghorn, in consequence of an arrangement which had been made previously to her joining her Majesty." That fact alone would be sufficient to destroy the foundation upon which the whole story rested, that the Queen had voluntarily parted with her suite. What, then, would their lordships think of it when they found Lady Charlotte Lindsay, at p. 527, saying, in answer to the question, "Had any application been made to your ladyship to join her Royal Highness in Germany before you took the resolution of quitting? Yes, there had." This application, it was afterwards proved in evidence, was made in 1817, immediately after her Royal Highness had returned from her long voyage, when, according to the *Attorney-General*, she was speaking night and

day in the indulgence of a passion which had never existed except in the prurient imaginations of his learned friend's witnesses. At that time, however, if the Attorney-General was to be believed, she had sent for Lady C. Lindsay to witness the depth of disgrace and infamy to which she had sunk. But where was the man who could believe such a statement? No, the very sending back for Lady C. Lindsay at that hour did, as the Attorney-General had expressed it, indeed speak volumes; it bespoke a conviction of innocence on the part of her Majesty—a consciousness that she had nothing to fear if the whole of her conduct were made known in England. If it were necessary to follow this charge further in detail, he could adduce other evidence of the same nature; but, before he proceeded to do that, he must point out to their lordships an attempt which the Attorney-General had made, not to invalidate the testimony of Lady C. Lindsay, but to find out whether she might not, at some time or other, have entertained opinions derogatory from the character of the Queen of England. It was indeed well worthy of those who conducted the case for the prosecution, it was consistent with their general spirit, it was in concordance with every thing they had done from the beginning to the end of these transactions, to violate the confidence which ought always to exist between the husband and the wife, and by such means to bring forth facts, which, by the impudence and infamy of one of them, might lead to the destruction of the character of both. He felt nothing but pity and commiseration for his learned friends, who had been compelled to avail themselves of this proffered testimony; but he felt indignation, abhorrence, and detestation for him, who had furnished such means of knowledge, for him who had basely endeavoured by his own infamy to injure the honour of his wife, and to blast the character of his Queen. Such an instance of gratuitous infamy, he would venture to affirm, was not surpassed by any thing to be found in the records of any court of justice—no not even in the annals of the Old Bailey. And, after all, what did it come to? Though even the contents of these confidential letters had been inquired into, it appeared that Lady Charlotte Lindsay never in the whole course of her life saw any impropriety in her Majesty's conduct, but that the reports which were in circulation had made an impression on her mind. That these reports made such an impression, and that that impression operated as an inducement on the mind of Lady Charlotte Lindsay to quit her Majesty's service, were facts which he would not deny, for they made a part of the case on which the defence was rested. He came now to the Hon. Keppel Craven, who had sworn that, instead of being dismissed by her Majesty on her arrival on the continent, he had stayed with her four months longer than he intended when he quitted England. Sir William Gell, too, swore (page 559) that he left her Majesty because he had the gout, and that he returned to her service after the long voyage. This was the evidence of Sir Wm. Gell, who actually did return to the service of her Majesty, and remained with her in the character of joint chamberlain with Bergami. Here, then, was another instance of the alleged dismissal of her Majesty's English attendants. The evidence of Dr. Holland on this subject, to which it was unnecessary for him to advert more minutely, would be found at page

610 of the printed minutes. So much for the Queen's voluntarily getting rid of her English suite. But there was another thing connected with this charge, which *formed a strange* and striking anomaly in the conduct of her Majesty; for it appeared that when she had, according to the statement of the King's Attorney General, secured this seclusion from English society—when she had thus stopped up every avenue through which her conduct might be observed—she at that moment called Lieutenant Hownam, an Englishman, to her side. She was so fascinated by the charms of Bergami's company, that all her English attendants were sent away; and yet, strange to tell, Lieutenant Hownam was found by her side for three years! He had thus disposed of these two heads of accusation; and he next came to one, the consideration of which would not occupy their lordships' attention two minutes. It had been said that the Queen of England had not only got rid of all her English suite, but that, forgetful of the ordinary decorum that became her station, she had avoided all society of rank and consequence. Now, from the beginning to the end of the case, there was not one syllable of evidence to support that allegation. He would not detain their lordships by reciting the names of all the witnesses who had negatived the fact, nor would he overhaul the testimony of those witnesses that related to this charge, for their lordships would say that that testimony was superabundant. To the evidence of one or two of those persons, however, he should advert. Dr. Holland had stated (page 609) that her Majesty was visited by all the nobility while in Italy, and that at Genoa she was visited by all the English who resided there. Thus, while she was opening her hospitable door for the reception of these English, that was the very time fixed on by De Mont for asserting the reverse. He, however, was willing to take the act against the assertion, even if the assertion had come from the mouth of a respectable witness. There was not in fact a single court, in Europe or in Africa, to which the Princess of Wales did not go, and every where she was received with the greatest respect and attention. One of the witnesses, in describing the esteem and attention which her Majesty's deportment every where commanded, had used, as their lordships would perceive, almost the very words of one of the right honourable colleagues of the noble author of this bill, who, to the honour of human nature, disclaimed all part in the present prosecution. There was indeed one exception, as to the manner in which her Majesty had been received at foreign courts, and that exception was at the court of Vienna. And why? How difficult it was to solve that question! At that court was my Lord Stewart ambassador. At that court the brother of my Lord Castlereagh resided. And what was he besides? why, he was the patron and employer of Majochi, the principal dealer in perjury. Here then was the reason for the exception—a reason which would weigh on their lordships' minds, so long as truth and justice were the objects they had in view. There was one other circumstance to which he would briefly advert. "How can you," said the Attorney-General, "account for the rapid promotion of this obscure individual? Here we see him at first in the humble capacity of a courier, and scarce seven or eight months elapse when we find him raised to the office of Chamberlain to the Queen." Let their lordships look circumstance if this

was not capable of being explained. *What said the evidence as to the origin of Bergami?* Mr. Craven *stated, (page 583) that the chamberlain of the* Emperor recommended Bergami in the *strongest terms,* as worthy of confidence, and *superior to his situation.* Sir Wm. Gell said, at page 549, that he was of a respectable family, which had fallen into distress during the French Revolution: and, at page 628, the same witness stated that Bergami had lived with General Pino as a confidential friend: and again, at page 632, that he was not looked on as a servant, but as a friend. At page 549, it was stated by Sir Wm. Gell, *that the person who recommended Bergami to him said he was above the office he was going to enter, and hoped that if he behaved well, of which he had no doubt, he would be gradually advanced.* Now, it was *not* till after her Majesty had had *five months'* experience of his good conduct that she advanced him to the *office of chamberlain,* at a time when she was deprived of the services of her *confidential servant, Sicard.* And what were the circumstances that induced her, or, he might rather say, compelled her, to make such an appointment? She had left this country under circumstances of disfavour with the court; to attend on her, to be in her favour, was to be in disgrace; to have her countenance was to forfeit all hopes of promotion, which to individuals of rank in this country, who looked forward to promotion, would be sufficient to prevent them from accompanying her Majesty. How difficult, then, must it have been to get a person qualified for this situation, especially when it was recollected, that from the day on which she left England, at least from the day on which she arrived at Milan, she had been beset with spies and informers? And at Genoa it appeared that if her personal safety was not actually endangered, she was suffering under apprehensions, which she had stated to Lieutenant Hownam, and which made her require the presence of some person to protect her. Under such circumstances, when their lordships saw how he had conducted himself before he entered her Majesty's service, how he had *conducted himself* since he had been in her service, with what respect he *treated* her Majesty from the first hour he entered her house down to the year 1820, he thought their lordships must be convinced that no *suspicion* attached to the promotion of this individual. They had been *told that Bergami was omnipotent in the control* which he exercised *over her Majesty; but he (Dr. Lushington)* denied that to be the evidence of any one witness whatsoever. If the Queen had been under the influence of a guilty passion, Bergami would have commanded her as a slave from the first hour that she condescended to court his favour. Favourites, their lordships knew, had seldom much mercy or consideration; but that they should forget their own interests would be strange indeed. How would it have been with Bergami? The first hour of a guilty intercourse would have been the signal for the commencement of his reign. Her Majesty would have known no pleasure but in obeying his commands, no duty but in consulting his pleasure. Would she have thought of abandoning the delights and joys of an Italian climate, for a journey so arduous and fatiguing, that few would have had courage to undertake it, when she might have remained—nay, when she would have been compelled to remain there in the undisturbed enjoyment of this individual's society? If

we were to take human nature for our guide—if the actions of individuals were to be judged by that standard, conduct so inconsistent as this had never been seen. Their lordships must have perceived with what boldness his learned friends, relying on the assertions with which they were armed, had opened the first grand scene of this drama. The King's Attorney-General, all confidence, all reliance on sources which had since failed, exclaimed, "Now I will lead you to the bridal bed! I will now show you the consummation by proofs and by evidence! Not a doubt shall remain of the guilt which I have charged!" Now they came to this scene, and venture to say he did, that this had been proved, as had all the other parts of the case, to be false. The evidence on this subject was even as satisfactory as that which related to the Sinigaglia journey, and the falsehoods of Sacchi. He was compelled to advert to this circumstance, merely to bring in one or two observations, not that it was his intention to tread the same ground that had been so ably gone over by his learned friend on the two former days. On the 9th November, the second night after the Queen's arrival at Naples, adultery was charged to have taken place. Now, let their lordships mark the evidence by which this charge was borne out. Her Majesty arrives at Naples on the 8th; she goes to a concert on the evening of the 9th, and to the opera on the evening of the 10th. De Mont, on whose testimony the story of the adultery rested, had fixed the time of the adultery on the second night after the Queen's arrival at Naples, and yet she said that that night her Majesty told her she was going to the opera. But, whether the scene was laid on the night of the 9th or of the 10th, there was now ample proof to show that the whole was false. They had it from De Mont, or rather on the assertion of the King's Attorney-General, that Wm. Austin was then, for the first time, removed to a separate room from that in which her Majesty slept. Now, instead of its being proved that Austin was removed to another room for the first time, mark what was stated by their own witness, at page 218. "Wm. Austin generally slept in her Royal Highness's room." Such was the manner in which this statement was borne out, even on the showing of the witness who was to prove it; but how did the matter stand now? It was proved by two witnesses, Sir Wm. Gell and Wm. Carrington, that prior to her Majesty's arrival at Naples, Austin sometimes slept in another room (page 567), and Carrington stated on those occasions he had made the bed for him. Mr. Craven had farther proved (page 537) that he had advised the Queen not to allow Wm. Austin to sleep in her room, because he was too old. Thus stood the facts as to Austin's being removed from her Majesty's room, for the first time, on her arrival at Naples. But then came Sicard, who said (page 603) that Austin actually slept in her Majesty's *room during the first week* that she was at Naples. If this statement of Sicard's were true, the fact of adultery died, for he supposed his learned friends would not attempt to prove that the adultery had been committed in Wm. Austin's presence. But even if Sicard's failed, if that witness were mistaken as to Austin's sleeping in her Majesty's room for some time after her arrival at Naples, there still remained the evidence of the Hon. Keppel Craven, who had sworn that the arrangement for Austin's sleeping in a separate room had been made some time [illegible]

Last.

arrival at Naples. Although, by the representation of his learned friends, her Majesty was that night about to celebrate her hymeneal rites, she puts into the next room to her this boy of 13 years of age, who had been always in the habit of entering her room at any hour! So much for Wm. Austin. Then the next circumstance of suspicion, on this occasion, was the Queen's returning home early that evening. But if the night in question was that on which her Majesty went to the opera, she could not have come home till one o'clock in the morning, at which hour she was attended by Mr. Craven. If it was the night of the opera, she did not return till 11 o'clock at night, when Sir Wm. Gell was in attendance, and a direct negative was therefore given to this part also of the adultery scene. It was said that Bergami's room was placed at the end of the corridor to facilitate the alleged communication; but this had been so largely observed on already by his learned friend, that he should dismiss it with the single remark, that it had been proved Bergami was placed there by the direction of Sicard to protect that part of the house. Here was evidence which, if carefully perused, would establish this as well as the other parts of the defence, and show that the accusation, so plausibly got up, was all a tale of falsehood. Then came another contradiction to his learned friends on the other side; for their lordships must have observed that his learned friend, the King's Solicitor-General, if a witness did not go willingly along with him, drove him with the whip by force into the proper track. Thus the present witness, De Mont, after being whipped and spurred by the Solicitor-General, said, that the large bed had the appearance of more than one person having slept in it. Nor was that all; for three days after, as their lordships knew, she gave an addition, as if to crown the whole, of stains upon the sheets. Now, if Bergami came to the Queen that night, the small bed was not occupied: her Majesty must have occupied the large bed. Why, the large bed had no sheets on it, according to the evidence of this very witness! A bed without sheets slept in, in the winter season, and by a lady of 45 years of age! Their lordships must have observed, that on the subsequent nights there was always the same tale as to the bed being occupied by two persons. What! the large bed, on which there were no sheets, occupied by two persons, not one night only, but for four whole months. But he was aware that he was needlessly wasting time by dwelling on such an absurdity, especially as it was proved that Bergami during that time was for several weeks confined to his own room by a hurt from the kick of a horse. Still, however, notwithstanding the confinement of Bergami, the large bed had the appearance of two persons having slept in it. Here, then, was double adultery proved with a vengeance. Oh, how truth shone forth, and cleared the innocent from the attempts of falsehood and malevolence! He would appeal to their lordships whether this tale was consistent with common sense. (The learned gentleman here adverted to several other inconsistencies in the evidence of De Mont.) Such was the evidence of De Mont. O wondrous memory! which appeared in all its native strength when circumstances adverse to the Queen were to be related; but which was no longer to be found when any matter leading to her Majesty's innocence was to be elicited. Well might his learned friends say, when they adverted to

the improbability of this woman's testimony—well might they say, "Here we place our strong reliance—here we rest our defence to this part of the case. Why have you not called Annette Preising, who had made the beds for the preceding two months, to confirm De Mont's testimony?" From the evidence of De Mont herself (page 360), it appeared that she was not the bed-maker, but that Annette Preising was employed to perform that duty. That individual, as was stated in Rastelli's evidence (page 413,) was now in England. Why was she not called to give her testimony? If she could establish the fact which De Mont had stated, her evidence would have been invaluable, since it had been her duty and business, for a long period, to attend to the beds. His learned friends on the other side had, however, in the exercise of a wise and prudent discretion, abstained from bringing her forward—although they were willing to take to themselves the credit of having this witness locked up in the buildings in Cotton-garden, and as ready to give her evidence as the other parties had been. But, instead of producing her at their lordships' bar, his learned friends were pleased to rest their case on the *prima facie* evidence of De Mont—a witness, who, looking to all the circumstances on which she had been contradicted, was unworthy of belief. He would here leave the evidence of the solemnization of those unhallowed rites; assured that their lordships would not offer up so great a sacrifice, the sacrifice of the fame, and honour, and character of the Queen, on testimony such as this—testimony which no rational man could credit. One word only—and one word was almost more than it would bear—on that part of the evidence of Majochi which respected the passing of her Royal Highness through his room. Majochi was not behindhand with his partner in the gainful trade of perjury. He also had his little stock of adulterous facts, to swell the general heap. But how did his evidence stand? Her Majesty's counsel had called a number of people who threw manifest discredit on his testimony. Was it to be supposed that, for the sake of concealment, her Royal Highness would go through the corridor, and through Majochi's room, to that of Bergami, when it was proved that there was another door by which she might have entered? Suppose, however, he were willing to grant the truth of this statement—suppose he were to say that the Queen did seek her way to this room in the manner described—he would then ask, if in endeavouring to gratify her unholy desires, she once entered the room where Majochi was lying, and having there discovered him asleep, she proceeded to the room of Bergami, from whence she then had the good fortune to escape, as she supposed unnoticed—was it likely, he would ask, that she would venture through that apartment again? Was it probable, was it possible, when there was scarcely a chance of her meeting any person in the ordinary passage, at the dead of the night, that she would avoid the passage for the purpose of subjecting herself to the almost absolute certainty of encountering Majochi? The first time she might have been ignorant that Majochi slept there—she might have been taken by surprise—she might have been confused, and in consequence, instead of immediately retiring, she might have involuntarily proceeded; but the second time she must have known to a certainty, as there was a light in

the room, that a man slept on the couch, and that if she passed through she might chance to be detected. And yet they were told that she continued to go that way. Would any person in their senses run such a risk? Go that way! She might do so through necessity; but to proceed through Majochi's room as a matter of preference, when there was another communication with Bergami's apartment, was altogether improbable. If there had been no other passage, it might be said that the Queen was so entirely carried away by her passion for this individual, that in spite of every obstacle, without the smallest regard for even the appearance of character, she was determined to gratify it, and with that feeling would incur every danger and every hazard. But, when there was another passage by which she might have privately effected her object, could it be supposed that she would act in a manner which no rational mind could ever think of adopting? He would now say a few words with respect to what was alleged to have taken place at the masked ball which her Royal Highness had been pleased to give to Murat at Naples. Their lordships could not have forgotten the charge, as it was opened by his learned friend, the Attorney-General. He expatiated on the indecent dress in which her Royal Highness appeared on that occasion—he described it as a dress at which every delicate mind must be shocked—and he dwelt with great force on the circumstance that her Royal Highness put on that dress in the presence of Bergami, rather than in that of her female servant. He begged to draw their attention particularly to the evidence of De Mont, who had deposed on these points, and whose evidence, if attentively considered, rendered comment almost unnecessary. De Mont swore (page 254) that, when her Royal Highness appeared as the Genius of History, "she had her arms bare, and her breasts bare, and the drapery in the same way as people represent the Muses;" but, from this part alone of her deposition, he would prove to their lordships, that the whole of her evidence ought to be dismissed from their minds. In the state he had described, her Royal Highness was represented to have appeared at a public ball, and, by so appearing, she was said to have disgusted all who saw her, and to have disgraced the character of the country to which she belonged. But if there had been the least shadow of truth in this infamous statement—if it were capable of being sustained by any testimony whatsoever, in addition to that of De Mont—could a more favourable opportunity have been afforded to his learned friends (if those who had instructed them would, for once, allow them to proceed beyond the limited testimony of discarded servants) for producing some of those persons who were present at the ball, who, if there were any foundation for the slander, might have shown, as clearly as the sun in meridian splendor, the extent of that disgrace and degradation on which his learned friends had laid so much stress. Would any man say that such a charge—a charge which might have been so easily proved—should be suffered to have any weight, when supported only by the evidence of this discarded servant? But how did it otherwise stand? It was not only shaken by the circumstance of its not having been confirmed, but it was completely contradicted by other evidence. The Hon. Keppel Craven had been examined on this point before their lordships. It was one on which evidence

could easily have been procured, if her Royal Highness had been dressed as his learned friends had represented, to have borne them out in their statement. Was the dress of the Princess of Wales not likely to have caused much observation? Were not all eyes turned on her, in order to detect even the smallest deviation from decorum? Would all those who were at the ball have been blind to her conduct, if she had thus exhibited herself? What was the evidence of Mr. Keppel Craven? He stated (p 530) that, as far as he remembered, the dress of her Royal Highness was a white drapery, which came up very high; and he added, that if her dress had been immodest or indecent, he must have observed it; but that he saw nothing of the kind. Again, Sir W. Gell stated (p. 560) that the Queen had another dress under her robe. His words were—"Not only it must have been so, but I have a clear recollection of the dress her Majesty had on under it—a dress perfectly plain, that came up to the neck, was very short, and had no train." He would not trouble their lordships with further observations on this point, but only to say that even the recollection of this charge, which was so completely refuted, ought to be cast away from the minds of their lordships. Connected with this accusation was the statement that Bergami had been employed on this occasion in assisting the Queen to dress and undress, and that her Majesty had changed all her clothes while he was in the room. How did they find that statement supported? So far from its having been proved, it was given distinctly in evidence by Sir W. Gell that her Royal Highness wore an under dress, which he believed to have been made on purpose for the occasion; and, with respect to the presence of Bergami when her Royal Highness was dressing, Sir W. Gell stated, "that, to say the truth, he believed her Royal Highness had a very great number of attendants when she went up stairs at the masquerade, at Naples, to change her dress; the door was opened and shut perpetually, and every body was in and out of her room." And yet De Mont had the courage, he would rather say the audacity, to state to their lordships (page 253), that on this occasion her Majesty remained for three quarters of an hour locked up in a private room with her servant. He thought no particle of doubt could be entertained, he conceived not the remotest doubt could operate against the conviction, that De Mont's evidence was here entirely overturned Not even a shadow of proof that she had spoken the truth had been suffered to remain. Another statement of the same kind, and equally false, had been sworn to by De Mont—he meant the charge that her Royal Highness had gone, dressed in a most indecent and disgusting manner, to a masquerade at the theatre of San Carlos. Mr. Attorney-General, in pursuance of his instructions, had been pleased to state that, the moment this indecent dress was seen, the indignation of the assembly was strongly manifested, and the Queen was compelled to make a speedy retreat. This transaction was, undoubtedly, capable of proof, if it had occurred; but it rested solely on the evidence of De Mont; and, after all, it turned out, on her cross-examination, "that her Royal Highness had only an ugly red dress on; and that she, and those who attended her, were surrounded by troublesome masks." Sir W. Gell deposed that he was present; and it appeared that he had not heard a word of that indignation which the

Attorney-General had alluded to in his opening. Why then, he contended, he was justified in taking this clear view of the question—he was justified in saying, that not even the shadow of a charge remained against the Queen with respect to her conduct during her residence at Naples, and that she left that city pure and perfect in character. He would pursue the other charges in the same manner, with the full confidence that he should rebut and overturn them all. He would consider each and every one of them, until he had entirely disproved them, and placed the Queen before their lordships, freed from all those scandalous imputations which had been so unjustly cast upon her character and conduct. Nor would he stop there. He would pursue the inquiry farther, because he thought, in his conscience, he was entitled to say to their lordships, that here, in the evidence on which he had just commented, the groundwork of the plot was to be discovered; here was the foundation of that edifice of imputed guilt and profligate criminality which had since been entirely destroyed. When he looked at the evidence of De Mont—when he examined it in all its parts, and saw the consummate art and artifice with which it was concocted—when he marked the manner in which it had been got up, in the original type at least, and contrasted it, not with the evidence of others, but the direct with the cross-examination, he had a right to say, "Here is the foundation of the calumny—here the talents of De Mont have been successfully exerted—here they have been carefully employed to pave the way for the production of other charges, and other criminatory circumstances, which, without the colouring that was to be derived from this part of the case, must have fallen to the ground at once." He must say that his learned friends on the other side had acted rightly and wisely. Some of their witnesses had not received much preparation—but why had they bestowed so much pains on the preparation of De Mont? They did so on the old principle, "Let me but poison the source of the stream, and death will inevitably follow down the current." "Let us," said they, "show that there was gross impropriety of conduct at Naples—that her Majesty was treated with indignity at an assembly there—and we can convert all other circumstances that may follow, however neutral, however innocent, however praiseworthy, into matters of aggravation: we will stain them with the same complexion, and bestow on them the same character!" But he called on their lordships, for the sake of truth and justice, to cast away from their minds, to discharge from their hearts, every trace of that evidence, which, he confidently asserted, he had disproved in the face of this august assembly. The future circumstances which it was his duty to discuss he would discuss fairly, with a due attention to every thing that belonged to them; but he entreated their lordships, in considering that part of the case, not to couple it with matter which, with reference to intention, to fact, and to justice, had no connexion with it.

The Earl of LIVERPOOL here suggested the propriety of permitting the learned Counsel, who appeared much exhausted, to retire for a short time.

The suggestion received the sanction of the house, and the learned gentleman retired from the bar.

Dr. LUSHINGTON resumed at a quarter past one. There were several

branches of the case which, in the strict discharge of his duty, he felt himself justified in passing over without one observation. This he felt himself justified in doing, for two reasons—first, because nothing could be added to the arguments of his learned friends on those parts, and also because the evidence which was produced respecting them on the other side was entirely contradicted and destroyed. Those parts of the case were the circumstances alleged to have occurred at Scharnitz, in the journey to Sinigaglia, and in Trieste. All these circumstances were so satisfactorily disproved, that it would be an absolute waste of time to say one word more respecting them. The part of the case of which the scene was laid in Naples, in March 1815, exhibited, in the first instance, extreme deficiency of proof, and was afterwards entirely annihilated by satisfactory and complete proof of its falsehood. After this, a considerable period, a period, he believed, of not less than six or seven months was passed over without any charge or evidence to support it. The manner in which her Royal Highness breakfasted at Genoa, and other little petty circumstances, were all that they had stated, and on the same evidence which had so often as it could be met, been found false and perjured. He now came to the consideration of the long voyages. Here he thought it right in the first instance to point out to their lordships one or two contradictions, which, if they produced on their lordships the effect which they ought to produce, would entirely discredit the testimony of the witnesses respecting any other fact. He must here mention to their lordships a fact, which if he offered it in a court of strict justice, could be considered little short of a contempt of the court. In a court of justice, which was accustomed to weigh and consider evidence, to look into the motives and characters of witnesses, and to distinguish accurately the credibility of testimony, he would be thought to trifle if he presumed to make the observation which he was now to offer to their lordships. If once their lordships found a witness had swerved from truth, wilfully swerved—if once they found a witness had wilfully, and, as the law expressed, of malice aforethought, deposed against his knowledge of the truth—their lordships were bound, in justice they were bound, according to all the principles of common sense, according to all the principles which governed the human mind, to reject the whole testimony of that witness from beginning to end. Why, if Majochi once disregarded the reverence for the name of God, to which he solemnly appealed—if he once renounced all regard for his own character—if he once trampled on the sacred sanctions of veracity—if he once did this, why, upon what ground, by what discretion could they believe him in any one other instance? Why, in the name of common sense, did conviction for perjury disqualify a man from being a witness? Why but because having once sworn falsely, he never could be credited again? And where was the distinction between perjury on the record of a court, and perjury proved before their lordships, past all possibility of a doubt? Majochi, if once convicted of perjury in a court of justice, would not be competent as a witness in any case whatever. If, then, instead of the record of a court, he produced to their lordships proof of his having actually been guilty of perjury, could any man doubt whether, in common sense, in common equity, that as in the one instance the testimony was re-

To the same effect their *lordships* would find Lieut. Hownam's testimony in page 742. Their lordships, upon carefully considering the situation of her Royal Highness on the plains of Ephesus, would perceive, that instead of being a scene for the indulgence of a criminal intercourse—instead of being a scene of luxury—it was a situation of great privations, many difficulties, and of distressing hardships. This, however, was one of the spots selected for artful and malignant calumny. Her Royal Highness was forced to wander in far foreign realms to avoid insult, persecution, and outrage at home, to escape from the snares and injuries of those who were bound to protect her, and to obtain in subjects of ancient renown and everlasting interest, the relief and gratification which only a virtuous mind could derive from them. In this pilgrimage this illustrious but forlorn lady is obliged to repose during the night in an open shed, exposed to every breath of air and to the dews of heaven. *She* wants all the luxuries that belong to her rank—aye, and worse—*she* wants the comforts and even necessaries of life. If she had not used her travelling-bed, she had not whereon to sit. Yet here is she beset by the fangs of a conspiracy; and the effects of want, desolation, and injury, are represented as proofs of profligate indulgence and criminal conduct, and by her own servants, supported by her bounty and favored by her kindness. Those who had experienced her kindest care, perjured and forswore themselves for her destruction. Therefore it was that Majochi said—and this was a little instance of *his* talent at invention—in page 22 he said, that the rest of the suite slept in another part of a building (at Tunis), separate from the part where the rooms of her Royal Highness and Bergami were situated. At page 704 this was completely refuted by Lieut. Hownam. In page 287, too, De Mont gave the same evidence as Lieut. Hownam. [illegible] [illegible] ...stances from this witness's testimony; almost every fact sworn to by him was an instance of the same kind. He should *just mention another instance* that now occurred to him in the Barona. Majochi represented that there was a studied secrecy, conveying the idea of criminality, in the arrangement of the rooms and the staircase. The staircase was stated by Majochi, page 13, to be unfrequented. Lieut. Hownam, p. 703, swore that "it was not a secret staircase, it led up to his apartment, and was frequented by the servants." A similar contradiction he would just advert to respecting the mode of sleeping in the tent on land. Lieut. Hownam swore he never saw the sofa with the bedclothes on; that the Queen was not undressed; that she was so fatigued as to have fallen from her horse. Majochi's evidence on this [illegible] [illegible] l, and he

"Y [illegible]

Carlo [illegible] you and [illegible] between the outer and the inner tent. Can you recollect how often you so slept?—I remember twice.

"Do you remember at either of those times to have heard any conversation.

tion, or any thing that *induced you to believe that* there were two persons in the inner tent?—*Yes.*

"Could you *distinguish* whose the voices were?—I could not distinguish the voice; but I heard whispers.

"Could you understand of what persons the voices were, whether male or female?—I heard two voices speak by *whispering; but I could not make out whether they were men's voices or women's voices.*"

Whence it was that a witness who had advanced so far in the labyrinths of perjury, could feel such qualms of conscience as to do away thus with *the* effect of his former testimony, it was not for him to say. But so it was here. If *any man who took* all the *circumstances* of her Majesty's situation there *into consideration, who recollected* the extreme *fatigue* of the Queen, her *falling from her* horse, the impossibility of *travelling* by day—if any man of sense *believed* that, during the too short period allowed *for repose,* the Queen harboured in her mind the thought or actually perpetrated *the fact* insinuated against her, he (Dr. Lushington) pitied his understanding, and would consider it *absolute* waste *of time* if he attempted to bring him to a rational conclusion. He now came to the last stay of sinking perjury, to the last cable of a shipwrecked cause, a cause set up under the pretence of guarding public morals, and giving effect to public example. He came fearless to this task, *feeling* as he *did* all the confidence which the firmest conviction could *give him. He came now to consider* the evidence respecting the polacre. *Let not their lordships forget,* he entreated, that the Queen of England entered the polacre unstained, unspotted, uncontaminated even from the breath of suspicion. When she entered the polacre, Bergami was sleeping, not in the dining-room. The Queen had a cabin divided, part for her own bed, part for that of the Countess of *Oldi.* When they sailed from Messina, Bergami slept in the after cabin. But this arrangement was changed, said they, by her Royal Highness, for the purpose of facilitating a criminal intercourse. Now this he would refute by showing a good and *sufficient reason* for the change. Capt. Flynn, p. 647, stated that this change *became necessary,* in consequence of a *surgeon having been taken on board* at Tunis; and that, for that reason, Bergami's *birth was changed into the dining-room.* Lieut. Hownam *gave evidence to the same effect.* Both distinctly stated the change of arrangements to have been made in consequence of a doctor having been taken on board at Tunis, and from the necessity of making *some room* for the incoming tenant. Then Bergami was removed to the dining-room, where he slept *on a mattress;* and he was not the only one whose place was changed. During the whole of *what* was *called the outer voyage to* St. Jean d'Acre he continued to sleep there. *On her return,* the Queen changed her sleeping place, and had a couch erected on the deck. *He would now state* a reason for this change, the fact itself, and the justification. *The reason was placed beyond* all possibility of doubt: the reason was, that some *horses had* been taken on board, and that the stench and heat made it uncomfortable to sleep below deck. In the same *tent* Bergami was said to have slept. Whether this was once, twice, or almost always, he cared not. Extorted as the evidence was from Lieut. Hownam, he should

be astonished if he should hear his learned friends contend, in presence of their lordships, that evidence, partly hearsay, should be made the ground of conviction. If a conviction should be founded on such evidence, it would be the first instance since English jurisprudence acquired a rational character and form; it would, at least, be the first instance since the time of James II. He might, upon this ground, extort a verdict of acquittal from the mouths of their lordships, leaving a conviction in their minds that the Queen was guilty: he would be justified in doing so; but, in the name of his royal mistress, he disclaimed, he disdained it. He could not do such injury to her sense of justice, and her regard to moral feeling; he should think it a happiness and a blessing that she were convicted if she were guilty, and not that she should go forth from their bar acquitted only in name, but stripped of all the grace and all the dignity of innocence, condemned by all whose good opinions were worth preserving, and shunned by all whose characters made society moral, or life valuable. Granting that Bergami slept under the tent, granting every thing that was established by belief or hearsay, he was prepared to justify it. What was it under which the Queen slept? It was a misnomer to call it a tent. It was an awning, which covered nearly the whole breadth of the vessel. It was not formed and fashioned so nicely as to exclude every annoyance and intrusion, and to admit just enough of air to sustain the current of life. He had the evidence of Lieut. Hownam to prove that the tent could be easily opened. He referred to page 712, where Lieut. Hownam stated "I have on many occasions so opened it." Their lordships would attend to how this was done. The two parts of the canvass were brought together; not sewed, or any thing of that sort. The next circumstance he would point out to the observation of their lordships was, that two persons were always at the helm. This appeared from the evidence of Paturzo, p. 106. From his evidence it appeared, that not less than ten men were always on deck during the night. The hatchway was proved to have been always open; there was no companion; the hatches were under the awning. This was proof that it was not only open, but that there was no possibility of excluding any person who might use the hatchway. Bergami was always dressed, and the Queen was always dressed. Such was the evidence of Garginlo, p. 120. De Mont, in p. 372, said, "I do not recollect seeing it closed at night." With the exception of Garginlo, who said he had once seen it closed, how or by what he (Dr. Lushington) knew not, all, Hownam, Flynn, and even De Mont, swore that they never saw the hatchway closed at all. No light was under the tent at night, because, as two witnesses told their lordships, there was danger apprehended from pirates. Till that danger threatened, the witnesses proved that lights had been used all night in the tent. This was stated by Capt. Flynn, p. 617, and corroborated by Lieut. Hownam, p. 708. Next, as to hearing any thing that passed under this tent, Majocchi said he heard—what?—the creaking of a bed. According to this, any man who heard the creaking of a bed, might go into a court of justice, and say that two had been committing adultery there. Paturzo swore that Majocchi could not hear below; Majocchi swore that he did hear. But two steersmen, who were in close contact with the tent—

ten sailors, who were *upon deck and around the tent*—and Captain Flynn, who was within three *feet of* the tent—heard nothing *of the kind. This*, then, was the *scene of so much suspicion*, a place so open, that detection was not *only* easy, *but*, he might almost say, impossible *to* be *avoided.* In page 708 their lordships would find it proved, that her Majesty was willing to *dispense* with the tent altogether.

" Do you recollect, at any *time*, any *complaint* made by her Royal Highness as to the rate of the vessel's sailing?—Yes, I do.

" What was *the complaint?—It* was on the return from the island of Rhodes to Syracuse; *the voyage* became excessively tedious, and the Princess, naturally *anxious to get on shore, attributed it* to *the* want of sailing of the vessel. *I stated that* she could not be supposed to sail so well with a tent *on deck. Her Royal* Highness *said, " As to the tent, I do not* care at all *about it*; *I* would as soon sleep without it."

Now he must call upon their lordships to consider the *fitness of this* awning for the purposes so *absurdly* alleged to have been the cause of its having been used. Supposing the Queen to have been in the habit of carrying on an adulterous intercouse, he would put it to their lordships whether it was consistent with *reason* or sense to *presume that* adultery had *been committed* under the *tent? While* the Queen slept in her own cabin and Bergami in the dining-room, as in the voyage out, there was every facility for carrying on adulterous intercourse without *observation or detection. If*, then, the Queen—he repeated the supposition with disgust and indignation—was acting under an *influence which degraded* her to the *rank of a common* prostitute—he asked their lordships, whether they could believe that she would exchange her luxurious bed in the cabin, secure from intrusion or interruption, for a bed on deck, exposed to the observation and intrusion of all on board? *Was it consistent* with any *principle of human reason to* believe that her Majesty, having all the means of the most ample gratification, should prefer a course and a *mode of proceeding that* led *necessarily* to detection? She must have been insane as well as *guilty, if* the evidence for the *prosecution were entitled* to the slightest *credit. If a* single blast had sprung up, such a blast as is often felt off the coast of *Sicily, the awning on the deck of the polacre might have been carried away,* and her Royal Highness have been exposed to the gaze *of the* crew, in all the shamefulness of her situation. Was it probable, was it possible, that she should voluntarily incur the hazard of such a disclosure? There was *not one of* their lordships *who*, he was sure, *would not* readily understand the necessity, in other respects, of the Baron Bergami's attendance near the person of his royal mistress. The crew was composed of twenty-two Sicilians, all of them unknown to her Majesty. Now, admitting that their fidelity was above all suspicion, was it unnatural *for* her Majesty to entertain some apprehension as to the *possible indecorum* and *forgetfulness of a drunken* sailor? Was there no occasion, under such circumstances, for the immediate presence *of a faithful* and *trust-worthy* servant? It was *most* uncharitable as well as erroneous to impute evil intention, or to draw inferences of guilt, from *a circumstance of this* kind. They had it in the evidence of Lieutenant Hownam that the attendance of a female

servant was a thing impracticable in the situation in which the Princess then was. It would hardly be said that her Royal Highness ought to have gone back, and relinquished her purpose. The voyage was undertaken, and it would have been idle and frivolous to abandon it. If Bergami had been taken, not with a view to the assistance and needful protection which he might render, but had been adopted as an intimate companion and associate upon this voyage between Syracuse and Jaffa, it would have been no ground for any judicial opinion, or for any solemn judgment at their lordships' tribunal. Supposing the charge to be of a capital nature, he who would pronounce a judgment of death upon such evidence or proof, would be guilty of judicial murder. They had before them on this part of the case, the testimony of a witness whose veracity no honest mind could suspect. According to the evidence of that witness, the circumstance of Bergami's stay at night near the Princess made, at the time of its happening, no impression on his mind as to the existence of any impropriety. Yet in the course of nature some incidents had, at this distant period, escaped from the memory of Lieut. Hownam, and their lordships were now asked to come to a conclusion on the ground of their own inferior and partial knowledge, entirely opposite to the feeling and impression made on the mind of that gentleman when the circumstances actually occurred. The conclusion which they were told on the other side that they ought to arrive at was a conclusion of guilt, to support a bill of pains and penalties against her Majesty the Queen of England. It was not surprising, it would rather have been surprising if the contrary had appeared, that Mr. Hownam's recollection should not serve him as to all the particulars of the voyage. He would, however, now call their lordships' attention to a material part of his evidence on this subject. When questioned (as would appear in page 715 of their printed minutes) about the scenes which took place on board the polacre, his statement distinctly was, that he never discovered any thing indecent or improper. Would any judge, who had the smallest regard to his own character and conduct, infer from what was stated by such a witness as Majochi that her Royal Highness had conducted herself with impropriety and indecorum on the voyage across the Mediterranean! He should himself have conceived that her situation, the perils that she encountered, and the bodily sufferings which she endured, would be regarded as well deserving sympathy and pity; and that it never could enter into the mind of any man to convert them into evidence of irregular or carnal enjoyment. In page 714 of the evidence Lieut. Hownam directly contradicted important parts of Majochi's statement. In pages 87 and 89 this latter person completely fixed himself to the assertion that the bath was placed in her Royal Highness's cabinet. Now, in this representation, he must have intended wilfully to deceive; for, in page 711, Lieutenant Hownam clearly showed that the bath could not have been so placed. Majochi too had persisted in his statement, after five questions put to him in succession. The recollection of De Mont seemed to fail her entirely on this part of the subject; she was lost in uncertainty, and could not remember whether there was any change of clothes, or whether she had seen any wet clothes, upon the occasion of her Ro[illegible] [illegible]ng the bath. In

order of time he must now touch on the occurrences at the Holy Sepulchre; but there was one fact stated in evidence, and to be found in pages 107 and and 108 of their minutes, which had, he thought, been somewhat overlooked by his learned friends. During the examination of Gaetano Paturzo by their lordships, it was alleged that some of the gross indecencies mentioned in the charge, occurred at a time "when other people were walking the deck in the cool of the evening, and might see all that passed if they chose to look." Surely the mere reference to a statement of this kind was sufficient for its refutation. No man in his senses could believe it for a moment. He would not wade through all the details of evidence, not less incredible or preposterous, but he could not avoid expressing his astonishment that such evidence should be offered in support of a charge hitherto unheard of in any court of justice, and a parallel to which he verily believed was not to be found in the annals of any nation. Gracious God! that it should be recited in the preamble of a bill of pains and penalties, and on the authority of evidence like this, "that her Majesty had engaged at Milan a servant in a menial capacity; and that, while in that situation, an unbecoming and disgraceful intimacy commenced between her and that individual; that he was advanced by her to a high situation, with extraordinary marks of favor and distinction!" &c. It was added, that her Royal Highness had conferred an order of knighthood instituted by herself upon this individual. God alone knew what law had been infringed, or what or whose prerogative had been violated by the institution of this order. If it were at all an offence against human law, or a trespass on the sovereign power in any state, it appeared to him to be an offence against the dignity of the Grand Seignior. How was he to defend his royal client against this imaginary wickedness of conferring on Bergami a mark of distinction which was bestowed at the same time on Mr. Hownam, Mr. Flynn, and on William Austin? The offence, however, such as it was, had undoubtedly been committed, and he had only to submit that the punishment ought to be commensurate. The symbol of the order was, he could assure their lordships, composed of riband, and not of straw. He would not waste their valuable time by any further animadversions on this subject; but content himself with asking—what must be the dark malignity, the settled rancour, the atrocious inhumanity, of those who could lay such a circumstance before that illustrious assembly as proof of a guilty and licentious passion? There never was a more perfect mockery of justice, or a more signal example of the possibility of converting the most innocent actions into evidence of culpable behaviour. It showed to demonstration how easy it was, when some persons were so disposed, to find matter for a bill of pains and penalties. He would now, however, shortly advert to some parts of the evidence given at their lordships' bar, and which did not seem to have hitherto attracted any especial notice. In the first instance, he would call their attention to the testimony of Luigi Galdini, which would be found in page 385 of their printed minutes. According to this man's story, he had been, during her Royal Highness's residence at the Villa d'Este, in the employment of a person of the name of Guggiaro; and in seeking for his employer at one time, somewhat early in

the morning, at the Villa, he opened a door, and discovered the Princess and Bergami in an indecent position. It was extremely probable indeed that a mason should walk into the palace of a Princess, with the view of looking for his master; and that he should meet with neither chamberlain nor domestic servant on his way before he entered her Royal Highness's apartment. At the Villa d'Este she lived surrounded by all the form and state belonging to her rank, but, it seemed, could not avoid the intrusion of the artisans who lived in her vicinity. This witness, however, swore that in he certainly walked, and, after passing a great many doors, at length opened one where he beheld the scene alluded to. Now let their lordships mark what followed. "I opened the door," said he, "and shut it again immediately, in the twinkling of an eye." "On what were the Princess and the Baron Bergami sitting?" The answer to this question was, that the witness did not know whether it was a sofa, or an easy chair, or a small bed: he made his escape in a moment, without any particular observation. Immediately, on the very back of this statement, he acknowledged, or rather related, the following conversation as passing between himself and Bergami on that occasion:—

"When you opened the door, what did the Baron do?—He took his arm from the neck of the Princess, got up, and said to me, what do you want from here, you dog?

"The interpreter observed, that the witness's expression was somewhat stronger—it was "*razza di cane*," which meant "son of a dog."

"What did you say to the Baron?—I said, you must excuse me, Signor Baron; I came here to look after the *fattore*, for I have got so many men, and I want the materials to set them to work."

"Did the Baron make any reply to that?—He told me that was not the apartment of the factor, and that I ought not to be looking for him there."

All this was represented as passing in an instant, in that twinkling of an eye, during which the discovery was made, the door opened, and the escape of the witness effected. He really thought such a piece of evidence deserved a public exhibition as much as any of the rare and choice productions of nature. But they were afterwards told that her Majesty, who had never manifested such a propensity at Blackheath, became afterwards addicted to the practice of swimming in the river Brescia. Here again, unfortunately for the charge, it was proved that the depth of the water was not above two feet, or two feet and a half, although it had been sworn by Bianchi that her Majesty's clothes were wet at the top on her coming out of the stream. It was to listen to probabilities of this nature that their lordships had been detained forty days—had been obliged to perform quarantine. With regard to Mahomet's dances, he had no sooner heard the account given of them than he had set on foot some inquiry concerning him. He was now happy to inform their lordships that Mahomet was on his way to this country, that Mr. Elliston had kindly given him an engagement, and that their lordships would soon have an opportunity themselves of witnessing his exhibitions on a somewhat wider stage,—viz. at Drury-lane theatre (Laugh.) But these were

circumstances never to be forgotten in a serious consideration of the case. The most dangerous and artful falsehoods seldom consisted of pure invention. They were generally *founded upon facts* when they were to be made the materials of perjury and conspiracy. On such occasions truth formed the outline, but misrepresentation and falsehood filled up the picture. Let them consider with what artifice, in page 432, the *account of the scenes* at the Barona was given. It was stated that persons of distinction came at first, but ceased to come in consequence of the introduction of low people. But, with regard to this, it was *remarkable that De Mont herself* said she had made no particular observation; and by Mr. Hownam's evidence, in page 716, as well as by Capt. Vassali's, in page 932, it clearly appeared that the *Barona was a small country-house, although magnified* by his learned friends on the other side into a spacious and *magnificent villa*—prodigally, suspiciously bestowed, by her Royal Highness on the *favourite and beggarly* Bergami. It also appeared clearly that no entertainments were ever *given* there, except to about forty or fifty farmers' daughters, and persons in the *neighbourhood*; that it was carnival time; and that the Queen always retired before the servants joined the party. Such was the real truth of a story which ought never to have been told without producing Mochetti, the curate, and the prefect, to confirm it. In adverting to the occurrences at Carlsrhue, and to the evidence of Kress, he must remark that they stood in a peculiar predicament. Kress was a *witness who had* been compelled to appear at their lordships' bar and to depose against the accused. But all the exertions of his Majesty's ministers and of the British government had not availed to bring over to England the Chamberlain of the Grand Duke of Baden, a witness for the defence. He did not mean to cast any blame on his Majesty's ministers, but the plain and undeniable fact was as he had stated it. Either Kress was forced to come, or she had sworn what was untrue. This would be seen at once by referring to pages 192 and 202. If she stated what was true, their lordships could *never have met* with a *case of* greater oppression and tergiversation than that which stared them in the face in the conduct of the Grand Duke's minister, the Baron de Berstett. *If, indeed*, what was *stated* by Berstett was true, *the witness Kress had* committed *perjury*. *It was, however, too* much to hear this minister afterwards saying, in his correspondence with Mr. Lamb, that he "trusted his exposition of facts would furnish a most convincing proof of the impartiality and justice of his government." If the goverment of Baden had been just or impartial, then, he repeated it, Kress was a perjured witness. "If, my *lords*," (continued the learned gent.) "there has been influence more powerful than that of Great Britain exerted upon *this occasion*—influence, which has operated not only in deterring the Baron d'Ende from coming to this country, but which has even induced the Minister of the Grand Duke of Baden *to falsify* himself in the eyes of the whole world—in that case, I would ask your *lordships*, whether there be one among you who will tell me that I am to proceed with my *defence* to Carlsrhue; where British influence has failed, but where other influence has succeeded in compelling the attendance of witnesses on the opposite side, at this bar, and in withholding, at the same

time, the witnesses for our case. I will not stain the purity of your lordships' proceedings, I will not pollute a court of justice, by dwelling more than for one moment upon these disgusting facts. I will not impugn the integrity of this house, by supposing that there is now within it one honest ear which will not be shocked at their recital." He meant to cast no political reflection upon any particular country; he viewed with no contracted prejudices any noble foreigners: but he was sure that the house would unite with him in looking with deserved contempt upon some individuals among those foreigners—upon Hanoverian ambassadors, for instance, taking upon themselves the dignity, the honor, of becoming inspectors of dirty sheets, and searching into the contents of foul clothes' bags. Why, then, to the great shame and disgrace of those individuals, he would say, (and at least, for the morals of England, he might say it,) that they had been actuated in this their *meritorious* proceeding, by the native propensity of their souls to grovel in filth, and to revel in obscenity. He need hardly state, that in such a disgraceful course no individual would be found ready to embark who boasted the name of an Englishman; much less one who bore that character. He would now trouble their lordships with no more instances, with not another single observation drawn from, or applying to, the particular accusations contained in that part of the evidence to which he had adverted. There was, however, one point in this case which he held himself bound to bring under their lordships' consideration, and which, he thought, well deserved their notice. They had been told that they had closed their case without producing the boy Austin, the Countess Oldi, Mariette, the half-sister of De Mont, Schiavini, or others, who are now in attendance [illegible]

[illegible] ... was ... Produce their witnesses! When these counsel had established no guilt, they were to be told, "you shall establish her innocence;" as if this were really an inquiry only into the conduct of the Queen, and not a hostile attack, founded upon false evidence, *procured by the most iniquitous means, against the honor, rank, and character of her Majesty.* Produce their witnesses!—as if *his learned friends*, now that they had finished their case, could bring forward *one* single instance among their list of criminal charges, which was made out against her, which was not, indeed, absolutely refuted. Let their lordships *consider for* a moment the case as it now stood. At one period of it, his learned *friend*, Mr. Brougham, had said, after finishing, perhaps, one of the most able and *eloquent* arguments ever yet addressed to that house, against calling in Mariette De Mont, "notwithstanding all this, I will call her." Mr. Brougham was *right* in saying so at the period of this case. He was right, because the Queen's witnesses had not then arrived. His learned friend did *not* then know that they should be able to take the case, particle by particle, and to show to demonstration its fraud, falsehood, and perjury. "Therefore," said he, (Mr. Brougham,) "we must meet this case, by adducing general evidence of the Queen's conduct in opposition to

Lush.

all that De Mont upon her cross-examination may be able to say." But *now that the case was changed,* he (*Dr. Lushington*) would ask *their lordships, in the name of common sense,* how these witnesses would stand? They were *the witnesses best known to the Queen*—who *had had the best opportunities of observing her conduct*—who were under the greatest obligations to her. Now, if no stories could be extorted *from those individuals* against *her, if* no serious ground of charge could be got at out of their *depositions,* then what an outcry *would there be raised* against them? His learned friends would directly exclaim, "Oh, their evidence is *not* credible; they are under *obligations to the Queen;* they are relations of Bergami; they cannot be believed." *Would any counsel who did not deserve to have his* gown stripped off his shoulders venture to produce witnesses under this liability *and disadvantage? Aye, but was this all?* If they were persons so connected, if they were people of credibility, why, he would ask, *had they not been produced on the other side? Why* had not the Solicitor-*General,* who had told their lordships that he *had laid before them all* the testimony which was deserving of credit, exerted himself to obtain evidence of a character *more unquestionable* than his own? *Even upon this argument,* was this credibility to be the exclusive privilege of those who appeared on behalf of the accusation? *Were they to reject these* witnesses as non-essential and and not deserving belief, and *to say* that the others were essential witnesses to the *cause?* Under such circumstances, were *the Queen's* counsel to be *required to produce testimony* that was liable *to* be *so met? No* man of judgment would have done so, or necessity alone could justify it. Did that necessity exist *upon the present* occasion? Let his learned friends point out to him one single part of their case supported by any credible testimony, which they, *the Queen's counsel,* had not met; *one single* accusation which they had not rebutted. Before he (Dr. Lushington) put Mariette into the box, he must have something further *to do.* He would not bring *her there to disprove* charges resting upon testimony to which no man could give credit; to be exposed to the merciless fangs of such a *cross-examination as Carlo Forti* and some *other of* the Queen's witnesses had undergone. *It was* not, he could assure the house, that *he* feared the *terror of a cross-examination,* as app*lied to any one of those* persons who had *formerly* surrounded her Majesty, while that *cross-examination* was confined only to the acts of the Queen. While that was the case, he feared not even the opportunities for misrepresentation. But when he saw what had been the course taken here; when *his memory* served him to the instance of the Earl of Guilford *being* rigorously cross-examined as to some declaration made at a *private* dining-table about a Greek servant; and when he remembered that that declaration was not once charged by either of his learned friends in the opening, but came out *only* in the course *of* examination; when he saw another *person* examined as to a scene that had occurred at the *Villa d'Este* years since, and of which they had not heard till the moment *in* which the question was *first put* from the other side, he was sure that he should only *expose* a witness to that unfair species of examination *in chief* which any

knowledge of his, as to the fact, could not, upon cross examination, set right. What he contended for, then, was this—that the Queen should be tried by her own acts; by what she herself had said or done: every witness produced upon the other side was obliged, upon his evidence in chief, to speak to those acts of the Queen; but if they (her Majesty's counsel) produced a witness, and if, in the course of the whole six years, it unfortunately happened that some lapse of memory, some quarrel with Bergami, some personal caprice, or any other of the numberless incidents which such a space of time must necessarily furnish, should have induced him to do what? —why, to have uttered an expression which could by possibility be tortured into an expression of disrespect towards the Queen, what consequence could follow. This—that the Queen would suffer, not from what she had said or done, but from what one of her witnesses, in a moment of passion, forgetfulness, or accident, might have said or uttered. Their lordships would remember in what manner Lieut. Hownam had been asked as to his declarations, and how other witnesses had been interrogated upon the same point. There was one other circumstance that he was sure they would not forget—that the purpose of inquiring into the declarations of witnesses was to attack their credit by procuring a contradiction. Would any man who presumed to advocate a cause be justified in producing witnesses who were to be examined as to such declarations, when the whole depot of Cotton-garden might be produced to falsify them, and was always in readiness to come forward for that purpose? Believing this to be a case of the kind he had described, to be a false, foul, dark, and malignant conspiracy, he had no hesitation in saying, that, judging not by the arguments that had been offered, but by the experience of the past, by the records upon their lordships' table—not by what witnesses might do, but by what they had done—it would be easy for his learned friends to renew those disgraceful scenes which had already been manifested at their lordships' bar, and by means of the same description of testimony to contradict whatever evidence the Queen's counsel might call. Therefore it was, he maintained, that necessity had not called upon him to discharge that duty, and he did hope that the first duty of a counsel was not to expose his client to the risk of any injury; while there was any man who in the honesty of his heart dared to say that there was no accusation which was not disproved. Their lordships would think him justified in saying that there was now not one point in this case which required further elucidation. If he turned to look at the examinations, and to contemplate the difference between the witnesses whom her Majesty's counsel had produced and those produced on the other side, fearlessly would he hold it up as one of the most singular contrasts which the annals of legal proceedings could furnish. He could say, look at their character, look at their conduct; but, above all, look at the [illegible] on the one side to speak the truth, and the absence of all those [illegible] on the other. Witnesses their lordships had had in abundance; they had seen a commission instituted for the express purpose of doing what [illegible] into the guilt or innocence of the Princess [illegible]

tenour of the instructions under which that commission acted, but by their effects he knew what those instructions were. And this he knew—that the moment the commissioners were established at Milan, they began by taking the testimony of discharged servants, and never once availed themselves of the opportunity of examining whether that testimony could be contradicted or confirmed by persons of greater respectability, and under less suspicious circumstances. What, then, was the state of this case? He would ask the house if such an instance ever occurred in any former proceeding as that which he was about to notice. The witnesses against the accused were discarded by the accused, and retained by the accuser. They were taken into the employment, and received the pay of the prosecutor himself. Their lordships could not but consider as one additional circumstance of odium attaching to the whole of this proceeding the absolute, the indisputable, temptation thus thrown in the way of some of the parties. He besought their attention to the existence and the operation of this fact: Rastelli was taken away in the first instance: Sacchi came next, and then these men themselves were sent to seek confirmation of those very fabrications and evidence which they were the first to originate and to arrange. Gracious God! what could be the end of a measure proceeding upon testimony thus procured? What would the event prove, or who could foretell the consequence of an investigation resting upon the evidence of men who had so acted? Did any one ever hear of a precedent for so extraordinary a case? Here were two of the witnesses, Sacchi and De Mont, who had been kept at the sole expense of the prosecutor for fifteen months previous to their appearance at the bar, and two others of them, Rastelli and Majochi, certified and acknowledged to be in his employment. These were facts more than amply sufficient to demonstrate the anomalous and unjust nature of that commission; that commission indeed, sat not, acted not, for the purposes of truth. Having opportunities by examination and inquiry of acquitting the Queen from the foul slanders propagated against her, they had proceeded to prepare and encourage accusations against her: vested with sufficient powers to ascertain and defeat the malevolence of her enemies, their conduct had tended only to injure and betray her. There was not one of the witnesses produced before the house who possessed any one of the qualifications which are the usual characteristics of truth; they were persons of no character, at least they had none to lose; they had no punishment to dread, and even after they arrived in England they must have learnt from the memorable example and timely flight of Rastelli, that whatever had been the falsehood of their deposition, or however it might be desired rigorously to sift their evidence, impunity and escape might yet be possible. They were, therefore, in no fear of punishment, even in the event of contradiction. Now, was it requisite for him to say one word as to the proof of the existence of this conspiracy? He thought his learned friend (Mr. Denman) had left it so established, that no observation from him was requisite: nay, he would say this: the parties accused, it must be confessed, were Colonel Browne, Vilmarcati, Reganti, and Rastelli; he had, he must own,

heard one word said in favour of Col. Browne; but not one could be urged in favour of Vilmarcati. Of those who alone could have proved or disproved the charge, Rastelli was gone to Italy (and his departure had been justified on false pretences); and the other, Reganti, was the very individual who first procured the services of Rastelli, as their lordships would find at page 42. This latter the other side had not dared to call; had they done this—had they boldly put Reganti to the bar, and brought him to contradict the testimony of Omati and Carlini, then might they have said, with something like a seeming of fairness, and with something like a show of justice, that they had openly met the charge. The Queen's counsel had done all that was required for the ends of justice, he said nothing against those who were with the prosecution; but when he saw that they had neglected so to avail themselves of the means of calling such evidence as might elicit the truth, when they had not dared to put one of the principal conspirators in the box to answer for himself, away with this false pretence of justice, away with this frivolous pretext of fairness, and with every claim to openness or impartiality. Let it be remembered that there was at this time no impediment to bring forward such evidence with becoming honour and fairness. What argument, then, could justify the course that had been taken? If he ventured to assign any one, it would be this—the consideration of Vilmarcati. Never once in the course of the cross-examinations did his learned friends presume to approach any facts that should prove, that as far as Vilmarcati was concerned, the whole of this abominable and atrocious conspiracy had been carried on by means the most unjustifiable: that the evidence which the Milan commission procured had been procured by means which any honest man would have shrunk with horror from employing. He would, however, say nothing further of the conduct of those who, having the power, ought to have used it to discover the truth. All he would say was this—that, vested as it was, with all the means which a First Lord of the Treasury could command, possessing all that influence over foreign ministers which he could exert, established in full authority at Milan, and sending its couriers and agents throughout all Italy and Germany, never had the unlimited power of this commission, particularly its power of information, been exercised in one solitary instance to attain the ends of justice. Sir Wm. Gell remained in Italy unquestioned, Mr. Craven remained in Italy unquestioned; Dr. Holland unexamined; the Count Vassali uncalled for; Sicard unsought. He did not say what ought to have been the course these individuals should have adopted, but he did say, that when all these powers were intrusted to the hands of the accuser, it was the most extraordinary—the most solitary instance of their exertion in any other way which he had ever heard of, that Lieutenant Hownam was sent for by the First Lord of the Admiralty, to be asked where James, the seaman, was, after all the industry and perseverance which had been manifested in support of the prosecution—one half of that industry and perseverance excited, *love &c*, in the interests of justice, would have spared their lor' duty of now listening to those well founded representat'

Upon the 7th and 8th of November, the days immediately preceding the majority for the second reading, the Bill was carried into the Committee preparatory to its third reading, and a very strong sensation having been previously manifested both in the House itself and throughout the country, that the Divorce clause was contrary both to the law and practice of Parliament, and to the interests of religion and morality, the Ministers consented to withdraw it, and accordingly proposed its omission. Lord Grey and the opposition, seeing that the Bill would be eventually lost, if this clause should be retained, voted unanimously for its retention, for the purpose of thus destroying the Bill; and as the members of the opposition, added to the other adversaries of the Bill, composed a majority, they succeeded in procuring the clause to be retained.

On Friday, *the 10th of November, the Bill* with the Divorce clause thus retained in it, was carried to the Lords for its third reading, and the question put by the Chancellor, whether it should be read a third time or not.

On the division there appeared—

For the third reading	106
Against it . . .	99
Majority . .	9

Upon which Lord Liverpool immediately rose and said, that under such a small majority he should not press the measure further, but should withdraw it. Accordingly in the usual form of such a proceeding, his Lordship concluded by proposing that the Bill be read this day six months. The Bill was accordingly thrown out.

THE END.